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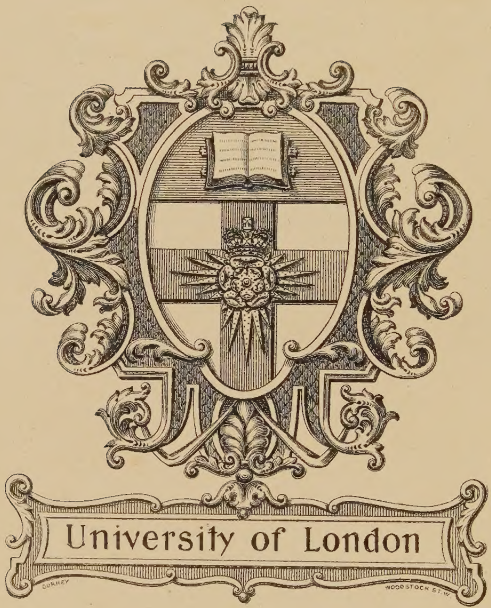

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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

2° VICTORIÆ, 1839.

VOL. XLIX.

COMPRISING THE PERIOD FROM

THE EIGHTH DAY OF JULY,

TO

THE SIXTH DAY OF AUGUST, 1839.

Fifth Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; BOOKER AND DOLMAN; LONGMAN AND CO.;
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J. BIGG; J. BOOTH.

1839.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *SECOND SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 5TH FEBRUARY, 1839, IN THE SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, *July* 8, 1839.

MINUTES.] Bills. Read a first time:—Glass Duties; Ship Propeller Company.—Read a second time:—Highway Act Amendment.

Petitions presented. By the Earls of Roden, Mansfield, and Harewood, from Ashford, and other places, against the Prisons Bill.—By the Bishop of London, from one place, for the Repeal of the Beer Act.—By the Earl of Haddington, from Kirkcudbright, for a uniform Penny Postage.

HOUSE OF COMMONS,

Monday, *July* 8, 1839.

MINUTES.] Bills. Read a first time:—Timber Ships; Embankments (Ireland).—Read a second time:—Assessed Taxes Composition; Soap Duties Drawback-—Read a third time:— Stannaries Courts (Cornwall); Election Petitions Trial.

Petitions presented. By Lord Lowther, and Mr. G. Berkeley, from two places, for a Uniform Penny Postage.—By Sir P. Egerton, from a place in Cheshire, for the Repeal of the Catholic Emancipation Act.—By Sir R. H. Inglis, from the Members of the Royal Academy, for rescinding the Order of the 14th of March.—By Mr. D. W. Harvey, from the Licensed Victuallers' Protection Society, against a Clause in the New Beer Act.—By Mr. Kemble from the Protestant Association of Camberwell, against any further Grant to Maynooth College.

PRINTING THE BIBLE—(SCOTLAND),] Lord *John Russell* said, that the right hon. Baronet, the Member for Pembroke, had asked him a question regarding the renewal of the patent for printing the Bible in Scotland. He had then informed the right hon. Baronet that it was the intention of her Majesty's Government to constitute a Board for the purpose of superintending the printing and publishing of Bibles in Scotland, and that the Lord Advocate and Solicitor-general were to be Members of this Board. But as it was now intended to make some additions, he might as well state what they were. It was now the intention of her Majesty's Ministers to give power to certain parties to apply to the Lord Advocate for the time being, to print copies of the Bible on their subscribing a declaration that the person making the application was to act as editor, and entering into bond that they were to print according to the authorized version, transmitting a copy to the Lord Advocate, and sending the proof sheets to the Secretary to the Board. This permission was proposed to be granted to Bishops of the Scotch episcopal Church, or clergymen authorized by them, or Dissenting ministers sanctioned by Presbyteries, or

Independent or Baptist clergymen, recommended by the ministers of their respective persuasions. These persons would have permission, on entering into the securities which he had explained.

Sir *James Graham* was much obliged to the noble Lord for the information he had given him on the former occasion, which he believed had given satisfaction to the Established Church of Scotland, and he thought it unfortunate that any notice of alteration should have been postponed to this late period, as the patent expired on the 17th of this month, so that there were only nine days to make objections. He was not prepared to state any opinion on the change that was proposed. He did not think, however, that the securities would be efficient. Spurious editions would be printed, and the penalty forfeited under the recognizances, although a punishment to the party would be no security to the public. He had little doubt that the alterations would meet with great objections on the part of the Established Church in Scotland.

Lord *John Russell* said, the right hon. Gentleman had somewhat misunderstood the nature of the change that was intended. It was not to depend merely on the recognizances, but to be accomplished chiefly by application to the Lord-advocate. The proof sheets were to be sent to the Board, and the publication would proceed under such inspection as the Board might think proper to order. With respect to what the right hon. Baronet had stated relative to the short time to elapse before the expiration of the present patent, it so happened that some of the leading Members of the Church of Scotland were now in London on other matters connected with that Church, with whom a consultation might immediately take place, and their opinions on the subject be thus ascertained. A Committee of the General Assembly had signified their satisfaction with the former plan, and he believed they would also be satisfied with the present one, notwithstanding the opinion expressed by the right hon. Baronet.

THE BANK OF ENGLAND.] On the motion that the Order of the Day for the House to go into a Committee of Supply, be read,

Mr. *Hume* said, that for some time past he had felt, and expressed, an anxiety to bring the proceedings of the Bank of England, in as far as they affected the circulation of the country, and produced the monetary crisises which, from time to time, had taken place, under the special consideration of the House. With that view he had given notice of a motion to the following effect:—

> "To move for the appointment of a Select Committee to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments; and, particularly, to ascertain how far these transactions had produced the alarming crisis of the manufacturing, commercial, and financial affairs of the country in 1825-6, and in 1836-7; and also to inquire whether, as the Bank of England is at present constituted, there ever can be stability in the currency, or confidence in the commercial transactions of the country."

This was a question that appeared to him of the greatest importance to the industry and prosperity of the nation; and he regretted, sincerely, that the House had not concurred with him on former occasions, when they would have had ample time to go into a full examination of the whole details of that complicated subject,—the currency. In August 1836, he had moved, as an amendment to the hon. Member for the Tower Hamlets' (Mr. Clay) motion, for the appointment of a Select Committee to inquire into the operation of the Act 7 George 4th, c. 46, on joint-stock banks, "that the Committee should be instructed to inquire into the effect of the clause introduced into the charter of the Bank of England, by which country and joint-stock banks, had the privilege granted them to pay their promissory notes in Bank of England notes, instead of paying them in gold." But his amendment was negatived by 98 to 12. In the following year, on the 6th of February, he had moved, as an amendment to Mr. Clay's motion, for the renewal of the Select Committee on joint-stock banks, "for an inquiry into the state of banking, and the causes of the changes in the circulation since 1833," but the amendment was negatived by 126 to 42. His object was, to extend the inquiry, so that it should not be limited to the joint-stock banks, but extend to the Bank of England, from whose proceedings he confidently believed, that almost the whole irregularities of the circulation had taken place; and he was anxious to have proved that before the Committee. In 1838, when the Committee was re-appointed, for the third time, he had urged upon the House the propriety of extending their inquiries into the proceedings and issues of the Bank of England, as the issues of the joint-stock and private banks had little effect on the circulation in comparison with the issues of the Bank of England. But his motion was also rejected. If the House should be of opinion that the present state of the circulation was not satisfactory; if they should further admit, that since the resumption of cash payments in 1819, they had experienced a constant succession of ups and downs in the value of the currency, by which the value of property of all kinds had been affected,—if, by these fluctuations, misfortunes and losses had frequently assailed, not only the great commercial and manufacturing interests, but more especially the working classes of this country—if the monetary system of the country, which must at all times have important effects on the condition and comforts of all classes in the community, had been thus in a constant state of variation, and was not now in a satisfactory state, he (Mr. Hume) submitted, that that House ought not to separate until it had fully inquired into the subject. The only proofs of his opinion which he should think it necessary to refer to in the course of the remarks he should now address to the House, or, in the inquiry before the Committee which he proposed, were those to be found in reports on the Table of the House, and to be furnished chiefly by the Bank of England itself. From them he would be able to show how the House might without delay, fairly and boldly meet the difficulties which he believed the commercial and financial interests of the country would soon have to contend against; and Parliament might by the inquiry, clearly ascertain the causes of the ruinous fluctuations that had in 1825-6 and 1836-7 produced such serious results; if the subject was properly investigated he thought that there would be no difficulty in arriving at the conclusion, that the evils which the commercial and manufacturing interests of the country had experienced were attributable chiefly, if not entirely, to the conduct of the Bank. He had been charged with making unfair attacks on the Bank of England. He did not deny, that he had attacked its acts as a public body, because he was convinced that the Directors of that influential establishment had grossly mismanaged the currency of the country intrusted to them. He denied, however, that there was anything unfair in his attack—he did not attack the directors or charge them individually with criminal negligence, or with being actuated by personal interest, or with any intention to do injury to the country; he knew many of them personally and he was ready to admit, that they were as honourable merchants and had as honest intentions as any in the community; but, if he (Mr. Hume) believed and could show, that, by their negligence or ignorance, they had in the management of their affairs deviated from that course which sound principles and a wise policy dictated, he should be guilty of a neglect of duty to the House and to the country, if he did not point out the errors and the mischief from such conduct with the view solely of preventing the recurrence of such evils. He did not believe that joint-stock banks had by their issues of paper produced those great evils attributed to them; and, from the first moment his hon. Friend (Mr. Clay) near him proposed an inquiry into the joint-stock banks only, he had said that that inquiry would end in nothing satisfactory, as their operations had not affected the general currency of the country to the extent supposed, or that their issues had produced any of those great changes in the value of money which had in his (Mr. Hume's) opinion been brought about by injudicious issues of the Bank of England. He had always been anxious to support a sound currency; and, therefore, was opposed to the principles of those who were anxious to depreciate the currency by large and unlimited issues of paper. He had always advocated a paper currency convertible into gold on demand; and not issues of notes payable by Bank of England notes; and for his own part, he believed that the country would be much better with an entire metallic circulation, than as at present with a mixed circulation of paper and gold, subject to the great changes and fluctuations in its value which we had experienced since 1821. He should, therefore, now endeavour to point out some of the evil consequences that had arisen from the defective monetary system of the country since 1819; and he should endeavour to show that these were attributable chiefly to the conduct of the Bank of England. He further, asserted, that as long as the Bank of England possessed the powers, and exercised those powers so injudiciously over the currency of the country, no man's property although he might be the most prudent person in the world, was safe, as it was subject to almost constant alteration in value,—sometimes rapidly affected and to a great degree,—as caused, he contended, by the conduct of the Bank. It was, therefore, of essential importance to the best interests of the country that the Legislature should ascertain clearly the state in which the currency had been at different times, during the period he alluded to; and the position in which those interests were placed by those alterations in the value of our monetary system. In the documents to which he was about to refer, every figure and quotation had been carefully made from official papers on the Table of the House. In the first place he contended, that it was the duty of Parliament to take care that the standard of value was maintained at all times of the same value in the country; and that no body of men ought to have the power of altering that standard, or general medium of exchanges which the Bank of England had; that this was the prerogative of the Crown alone for the general interest, and ought not to be lightly parted with. The Crown, in this respect, should view all persons as on the same footing, and carefully guard against the evils that must result from improper interference with the value of that medium. Parliament should, therefore, in support of that prerogative, prevent the Bank from exercising the baneful influence that it did on the property of the country by varying the standard of value. The Bank, by their proceedings, had at times materially affected the property of individuals, and the intentions of Parliament on this subject, as stated at the passing of Peel's Bill in 1819, had been frustrated by the course which the directors had pursued; and, he feared, at times with the connivance of the Government of the day. In support of the view which he had taken, he should state a number of important facts to the House; and all that he asked was, that the House would allow him to go before a committee, that he might have an opportunity of proving them. He would show, that, in 1819, when the resumption of cash payments was ordered to take place, the matter was thoroughly investigated and undertood by that House; and certain resolutions of the committee then appointed were laid down as rules for guidance in the resumption of cash payments; and he contended, that by attention to these rules, little or no variation in the value of the currency would have taken place. He would show, that those rules were, for a time, attended to with good results, and that it was not till 1822, that the Bank of England deviated in their conduct from them, when it did so in the most open and improper manner; and he (Mr. Hume) was confident he could prove, that it was by persisting in this course, the Bank produced that never-to-be-forgotten-disastrous commercial crisis of 1825. To the subsequent proceedings of the Bank of the same character may be again attributed the crisis of 1835; and, by its more recent imprudent conduct in its money dealings, which he should presently explain to the House, it had brought on the present pecuniary difficulties in which the country was placed, and from which it will not be relieved without great loss to the commerce of the country, and much individual sacrifice by the British merchant, manufacturer, and artizan. In conformity with these opinions he should submit to the House four resolutions embodying points, which he (Mr. Hume) was prepared by his inquiry to substantiate. He would read them to the House:—

"1. That it is the duty of Parliament to provide a currency as a common and universal standard, by which the value of all property may be estimated between man and man; and, to render that standard as little variable as possible.

"2. That the Bank of England has, in the exercise of the powers and privileges granted by the existing monopoly, deviated from the rules laid down by the select Committee in 1819, and violated the rules of banking (which have been admitted to be the best by its own directors); that it has produced by its operations on the currency great alterations in the value of the standard; by which the Bank has largely profited; and the community have greatly suffered, and been subjected to much distress.

"3. That the commercial crisis in money matters in the years 1825-6, in 1836-7, and the difficulty in the money market at the present time, have all been occasioned by the Bank's irregular and excessive issues, and sudden and large reduction of paper money, by which depreciation at one time, and increased value at another time, have been produced, and have thereby occasioned great derangement in the commerce of the country.

"4. That the property and industry of every man in the kingdom has been greatly affected by these excessive variations in the value of the standard of money; and that no man in business, whatever his prudence and circumspection, has hitherto been able, or can in future escape the dangers arising from the injudicious exercise of that power which the Bank possesses, of altering the value of the standard at the will and pleasure of the directors of the Bank."

If the hon. Bank Director opposite can

materially controvert any one of his statements, he shall be happy to be set right on a matter of such momentous importance to the best interests of the kingdom; but he (Mr. Hume) did flatter himself, that the inferences which he should draw, and the conclusions which he should arrive at, would be so distinct and clear, that the meeting them with mere assertions, as had hitherto been the case, would not be considered satisfactory to the House. He should be ready to alter his opinions if his hon. Friend, the Chairman of the Bank could show that his statements were erroneous; but, if the House granted him the inquiry, he pledged himself that, in three or four sittings of that Committee, he would substantiate the four points he had just stated, so that any Member might judge, as well as himself, of the correctness of his views on the subject. That being the ground on which he asked for the inquiry, he would now, endeavour to show how far the Bank had, from almost the earliest moment after the resumption of cash payments in 1821, violated the recommendations of that Committee. As the motion embraces the period from the resumption of cash payments, it would be proper to see what took place at that memorable period. Sir Robert Peel's committee, in 1819, was of opinion, and recommended, that provision should be made for the repayment of a considerable amount of the debt of Government to the Bank, by paying off securities held by the Bank before the Bank could resume cash payments. The amount of public securities held by the Bank at the time was 22,355,115*l.* The private securities were 9,099,885*l.* making together the sum of 31,455,000*l.* It was considered by the Committee essential to the resumption of cash payments, by the Bank, that the amount of those securities should be reduced. It was of great importance, that hon. Gentlemen should bear these facts in mind. The resumption of cash payments was to take place on the 1st of May, 1821, and on the 28th of February two months previous to that time the Bank had reduced the amount of public securities held by them to 16,010,990*l.*, and their private securities to 4,785,280*l.*, making together 20,796,275*l.* instead of 31,455,000*l.*, and consequently a decrease of 10,658,725*l.* of securities. On the 31st of August, 1821, the public securities were further reduced to 15,752,953*l.*, and the private securities to 2,722,587*l.*, making a total of 18,475,540*l.*, and a diminution of near 13,000,000*l.* On the 28th of February, in the following year, there was a further reduction of the public securities to 12,478,133*l.*, but the private securities had increased to 3,494,947*l.*, making together the amount of public and private securities, 15,973,080*l.*, or 15,500,000*l.* less than in 1819. This was done in accordance with the recommendations of the select committee. So that between 1819 and 1822, the advances by the Bank on Government securities had been reduced from 22,355,115*l.*, to 12,478,133*l.*, being a difference of 9,876,982*l.* As cash payments were resumed in May, 1821, and were in full activity in February, 1822, it might be as well to compare the state of things at this latter period with that of February, 1819. In 1819, the amount of the Bank circulation, and the deposits in the Bank, was 31,540,070*l.*; and as there was not a single gold coin in circulation, this amount represented the total quantity of money, in so far as regarded the administration of the currency by the Bank of England. In February, 1822, the amount of the Bank circulation and deposits was 23,355,290*l.*; and, therefore, as compared with 1819, there appeared to be a decrease of 8,184,780*l.* in the total quantity of money. It was important to see how the Bank proceeded in respect to the resolutions of the Select Committee to which he had adverted. If it had kept to its instructions all would have been well; but, the gradual increase of paper money which took place after that time led to the important and ruinous events to which he should now revert. At the time that he had just stated, February 1822, there was already an increase in the amount of the circulating medium, for it should be recollected, that in the period from May, 1821, to February, 1822, the Bank had issued 9,200,640.* sovereigns in exchange for its notes withdrawn from circulation; and this amount of gold being added to the 23,335,290*l.* of paper, made the total quantity of money 32,357,930*l.* As far, therefore, as regarded the administration of the currency of the Bank of England, the total quantity of money in February, 1822, exceeded that of February, 1819, by 817,860*l.*; and if it be considered, that the resumption of cash payments raised the value of the standard about eight per cent., it would then appear, that the real quantity of the circulating medium in February, 1822, exceeded that of February, 1819, by upwards of 3,300,000*l.*

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* See Appendix of 1832, No. 76.

In fact the difference was still greater, because there was more silver in circulation in 1822 than 1819. It was in consequence of this greater abundance of money, and a greater stability of things resulting from a return to cash payments, that the Government was able in 1822 to reduce 160,000,000*l.* of five per cent. to four per cent. which it had not been able to effect during the eight previous years of peace and the suspension of cash payments. It was also owing to the greater abundance of money, that the Bank, in 1822, reduced its rate of interest in its discount from 5 to 4 per cent.* Another proof of the greater abundance of money was to be found in the comparative prices of 3 per cent. consols, which, in August, 1819, stood at 71½ per cent., and rose in August, 1822, to 80½ per cent.* Such were the circumstances attending the resumption of cash payments; such the consequences; and such the state of things as connected with the currency up to 1822. But in the following year, 1823, matters were changed, and then came the monstrous operation of the dead weight by which the country lost so much money, independent of its sinister influence on the currency. The payments by the Bank began in April, 1823, and before the end of 1824, it had advanced upwards of 4,500,000*l.* At this period also the 4 per cents. were reduced to 3½ per cents. This reduction was made to the extent of 60,000,000*l.*, and this was the period when the Bank was guilty of such a complete departure from principle by depreciating the value of the currency. If it had not abandoned the principles laid down in the resolutions of Parliament, by increasing its securities to an inordinate extent, the state of public credit would have been entirely different, and the country would not have had to deplore the lamentable fluctuations in property that ensued. In the following year, 1824, the Bank, in addition to the payments of 6,917,569*l.* on the dead weight loan agreed to pay the dissentients of the 4 per cents., and in July of that year it had paid to the amount of between 5,000,000*l.* and 6,000,000*l.* sterling; and, in addition to this, the Bank also advanced money to individuals on the security of stock, which it had never before done; and thus went on making advances on advances, in all these ways until they had depreciated the currency by excessive issues, and got involved in all the evils that followed. The consequences of all this deviation from principle were the foreign loans, bubble schemes, and wild speculations in commodities, that followed; and, in short, a state of things such as had never been witnessed before. Then came the reaction in consequence of the great issues of paper money, and all the disasters of 1825. If the House would take a review of these proceedings it would be satisfied that the committee of 1819 very wisely came to the conclusion that it would be impossible for the Bank to resume cash payments unless it were relieved of a very considerable amount of its Government securities; and, this having been done, before May, 1821, the Bank resumed cash payments with the greatest facility, and every thing went on prosperously until in the year 1823, the Bank commenced a course of operations, by which they retraced their steps, and again so overloaded themselves that in February, 1825, the advances of the Bank on Government securities amounted to 19,447,588*l.*, which was only 2,900,000*l.* short of the large amount which it held in 1819, which the committee of that year declared to be wholly incompatible with the resumption of cash payments. Indeed the state of the Money Market in February, 1825, was wholly without precedent. The circulation and deposits of the Bank of England amounted to 30,922,540*l.* During the period between May, 1821, and February, 1825, the Bank issued upwards of 20,000,000*l.* in sovereigns,* and of this sum at least 14,000,000*l.* must have remained in circulation in 1825, and which, added to the amount he had just stated, would give an amount of 44,922,560*l.* of money, besides the circulation of silver. It appeared, then, that when the Bank reduced the advances on the securities from 31,455,000*l.*, in 1819, to 20,796,275*l.*, in 1821, there was a great increase of bullion in their coffers; but, as they increased their advances on securities again to 30,000,000*l.*, the bullion departed from their coffers. A proof that the Bank has the power to keep bullion in their coffers if they act on sound principles. With such an amount of Government securities held by the Bank, and a quantity of money in circulation so greatly exceeding that which existed when the Bank resumed cash payments, can we wonder at anything however extravagant in the way of speculation that happened? Can we wonder at the schemes and speculations of 1824-5? Can we wonder that the Bank gradually lost all its bullion during that excessive issue of paper, and, in December, 1825, was obliged to issue 1*l.* notes. Complaints have been made against Peel; but by the proceedings of the Bank and the Government from 1823, to 1825, all the principles laid down by the Committee of 1819, were departed from, and the wise recommendations of Peel's Bill was completely nullified. He (Mr. Hume) submitted, that all these disastrous results prove the correctness of the principles laid down in the report of the Committee of 1819, which, if the Bank had attended to, would have prevented those fluctuations which have taken place in the Money Markets and Commercial world. He had in his hand a paper which showed the great increase that had taken place in the amount of paper money between 1822 and 1824. The average amount of notes of the Bank of England in the year 1822, was 17,862,882*l.*,[*] the average amount of deposits was 6,486,950*l.*, making the total amount of the circulation and deposits of the Bank of England, 24,349,832*l.* The country circulation of Bank notes was 8,316,820*l.*,[*] making the total paper circulation and deposits 32,666,652*l.* He would not admit of a question whether or not deposits should be regarded as a part of the circulation; but as they were payable by the Bank on demand he must consider them as such as much as the paper in circulation. In 1824, the Bank paper circulation amounted to 20,135,342*l.*, the deposits were 10,198,375*l.*, making a total amount of the circulation and deposits of the Bank of 30,333,717*l.*; at the same time the country circulation in notes was 11,141,422*l.*, making at this period the total paper circulation of the country amount to 41,475,139*l.* By comparing the amount of money of 1824 with 1822, it appeared that there had been an increase of nearly nine millions in the paper circulation within a period of two years. The net amount of the increase of paper was 8,808,487*l.*, of which there was from the Bank of England, 5,983,885*l.*, and from country banks 2,824,602*l.* But this was not all; the stock of bullion held by the Bank in February, 1824, was 13,810,060*l.*;[*] and in November, the same year, it was 11,448,000*l.*,[†] showing a decrease of bullion to the amount of 2,362,060*l.* The decrease of the bullion must have cancelled an equal amount of Bank notes, which added to the 5,983,855*l.* increase of notes, makes 8,345,945*l.*, which, with the increase of 2,824,602*l.* by country banks, made the increase of paper money in 1824, 11,170,597*l.* as compared with 1822. It was owing to this state of things that, although the Bank in the five years, from 1821 to 1825, had coined 28 millions of sovereigns, yet, within a few months, there was hardly one left to issue: for, by the over-issue of paper and its consequent depreciation, all the gold had flown out of the country. This was a conclusive proof that that state of the currency had produced a complete drain of gold from the country; and if the metalic circulation had been ten, twenty, or 100,000,000*l.*, it would all have been carried abroad, in consequence of the excessive issues of paper by the banks at that period. He believed that more than half the sovereigns issued at that period were shipped from this country as soon as they were issued, as it appeared by the Custom-house returns, that in 1824 and 5, upwards of 2,407,676 ounces of gold, valued[‡] at 9,354,868*l.*—and 14,152,130 ounces of silver, valued at 3,538,032*l.* — total 12,892,960*l.* were entered as exported; and a further quantity must have been taken by captains of ships and by travellers which were not entered. This great increase of paper circulation, caused, however, whilst the bubble continued, a great increase of apparent prosperity. This was at the very time when the reduction of the 4 per cents was carried into effect, which also added to the increase in the currency; and it may now be confidently stated, that the reduction of the 4 per cents. could not have been effected if that excessive issue of paper, producing an artificial state of the currency, had not been made. He would now point out some of the effects of this excessive issue of paper by the causes he had pointed out, on the price of Consols and Exchequer Bills. On the 28th of February, 1823, Consols were $73\frac{1}{8}$. But, on the 31st of August, they were $82\frac{7}{8}$: on the 28th of February, 1824, they had risen to 92¾, and, on the 15th of April, to 96¼, or about 23 per Cent. in price in little more than one year. This went on until the end of 1825, when the bubble burst, and Consols and all kinds of property suddenly fell to nearly what they were in February, 1823: on the 28th of February, 1826, Consols had fallen to 77⅛, being a reduction of about 20 per cent. Such great fluctuations had before scarcely ever taken place in war: but in time of peace never. On the 28th of February, 1823, Exchequer Bills, bearing 2*d.* per day interest, or 3*l.* 0*s.* 10*d.* per annum, were at a premium of 8*s.* On the 31st of August, 1824, they were 39*s.* premium, with interest at 1½*d.*, per 100*l.* per day, or 2*l.* 5*s.* 7*d.* a-year; whilst, on the 28th of February, 1826, the same Exchequer Bills had fallen to par, and 2*s.* discount. All these fluctuations in the value of property arose from the great increase and decrease of the currency in 1823-4-5, by the ill-advised proceedings of the Bank and the Government. In this unnatural state of the currency the reduction of the 4 to 3½ per Cent. was effected, and must undoubtedly by all impartial men be considered as a forced operation and little creditable to the Government. He had before stated, the amount of the Government securities in February, 1825, was only 2,900,000*l.* short of what the committee in 1819, declared to be wholly incompatible with the resumption of cash payments. Now, what was the state of the currency in 1825, as compared with 1824?

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* See Appendix to Bank Report of 1838, p. 88.

† See Appendix No. 94,

* See Appendix, No. 7, p. 72.

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[*] See Appendix, No. 82, p. 5.

[†] From Stamp-office Estimates.

[*] See Appendix, No. 5.

[†] See Appendix, No. 88.

[‡] See Appendix, No, 65 and 76,

In the last Quarter of 1824 the average circulation of the Bank of England was - -	20,344,972
The average deposits -	10,621,100
Total -	£30,966,072
(And the stock of Bullion in Nov. 1824, was £11,448,000)	
In the last Quarter of 1825 the average circulation of the Bank of England was - -	19,748,840
The average Deposits -	7,533,700
Total -	£27,282,540

But in December, 1825, all the bullion was gone. Thus whilst there appears to have been 3,683,530*l.* less of paper in 1825, there must have been created in reality 7,764,470*l.* more Paper in that year, as 11,448,000*l.* of Bank notes must have been paid into the Bank for that amount of gold taken away. If no new Bank notes had been issued, the circulation and deposits would have been reduced by the withdrawing of the bullion, to only 19,518,070*l.* instead of the 27,282,500*l.* as stated. The average circulation of country banks during the year 1825 was 14,733,170*l.*, being an increase of 3,590,000*l.* as compared with 1824.—

To form an opinion of the causes of these fluctuations between 1822 and 1825 in the value of property, it is necessary to know that the increase of the Bank of England circulation in 1824, as compared with that of 1822, was - -	11,170,597
The increase in 1825, as compared with 1824, was - -	7,764,470
Whilst the increase of the country banks in 1825, as compared with 1824, was - -	3,590,748
Making a total increase of Paper of	£22,525,815
And if the Paper paid into the Bank for bullion, which in February, 1824, amounted to	13,810,060
be deducted, it will show an increase of - - - -	8,715,755
of Paper, whilst there was a decrease of gold of - -	13,810,060

To which ought to be added the large increase of Bank note circulation in Scotland and in Ireland, which assisted in depreciating the currency of the country. He might ask, when the standard of value, which ought to be uniform, or subject to as little variation as possible, was increased to the degree he had stated, were the results that had taken place in the commercial world to be wondered at?

But the extent of the mismanagement of the Bank of England, assisted by the country banks, cannot be fully understood unless a statement of the transactions for the whole period, from 1822 to 1826, be given, as to bullion, securities, &c.

The Bank had distinct notice of the state of the currency from the decline in the stock of bullion as early as August, 1824. I have stated—

(That the Bank had issued upwards of 28,000 of sovereigns in the five years 1821 to 1825,) and

on the 26 Feb., 1824,	the bullion in the Bank was		£13,782,700
„ 26 May „	„	had declined to	13,007,770
„ 26 Aug. „	„	„	11,990,700
„ 26 Nov. „	„	„	11,448,000
„ 26 Feb., 1825	„	„	8,857,700
„ 26 May „	„	„	6,456,300
„ 26 Aug. „	„	„	3,683,700

And, by the end of the year, all the bullion was gone. Between November, 1824, and May, 1825, the decrease was 5,031,700*l.*

Here was due notice given to the Bank,

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* Appendix 82, to Report of 1832.

for eighteen months, if any notice of being in an erroneous course could be given.

In the beginning of 1824 the creation of Paper by the Bank had become so large that the currency became depreciated, and the bullion was forced out of the country: and if the Bank had been passive, and cancelled the notes paid in for the bullion, the evil would have cured itself; but, as fast as one set of notes were cancelled in exchange for the bullion issued, a fresh set to the same, or to a greater amount appears to have been issued on securities.

It should be kept in mind, that the paper being always kept in excess, the bullion continued to decrease as has been shown; and, on the sound principle, which must always regulate a mixed currency, it was a mathematical certainty, whether the Bank had coined and issued ten or twenty millions of bullion, it would all go, and the Bank be obliged to stop payment, at last as it did.

By the Appendix, No. 88, to the Report of 1832, it is curious to see how slow the progress of exportation at first was; but that it was rapid after the impulse was given. Notwithstanding the large increase of paper currency in 1824, the decrease of bullion from February to November was scarcely 3,000,000*l.*; but from November, 1824, to November, 1825, the decrease was 8,000,000*l.*, and the Bank had only 3,000,000*l.* left; and it is known, that in December the Bank had not half a million of sovereigns in their coffers, and was obliged to issue one pound notes.

It is further to be observed, that whilst there was a decrease of securities from 1819, there was a regular increase of bullion, and *vice versa*, as appears by the amount of securities held by the Bank from 1819 to February, 1826: and I may observe, that the amount of securities held by the Bank are, with the amount of bullion, the true and only tests of increase of Bank notes.

By comparing the amount of securities, February, 1823, with February, 1822, there is an increase of - -	£2,346,650
Of Feb. 1824, with Feb. 1823, there is an increase of - -	552,270
Of Feb. 1825, with Feb. 1824, there is an increase of - -	6,079,330
Of Feb. 1826, with Feb. 1825, there is an increase of - -	7,967,250
Shewing a total increase of securities between Feb. 1822 & Feb. 1826 }	£16,945,500

So that every year there was an increase of Paper currency to that enormous amount; and it may be estimated that the increase of paper money proceeded from the Bank making

Payments of the Dissentients to the reduction of the 4 Per Cents. to 3½ per Cent. - -	5,200,000
Payments on the Dead Weight Annuity (to July, 1825), -	6,917,569
Advances by the Bank on Stock, &c.* - - - - -	2,000,000
Advances on Mortgages, East India Company's & Def. Bills,	1,500,000
Increase of Bills discounted, -	1,500,000
Total purchases by the Bank,	£17,217,569

The fluctuations in that period may be thus stated: the circulation and deposits increased 2,569,000*l.* between 28th February, 1824, and the 28th February, 1826. The securities increased 14,047,000*l.*, in the same period, whilst the bullion decreased 11,351,000*l.* The consequences of this enormous increase and of the reaction which followed were:—

That the Government, which in 1824 reduced the 4 to 3½ Per Cents. at par, were obliged afterwards to borrow 8,000,000*l.* in 4 Per Cents. at 94*l.*, thus losing 20 per Cent. or 1,600,000*l.* The revenue in 1826 was 2½ millions less than in 1825. The interest on Exchequer Bills was raised from 1½*d.*=2*l.* 5*s.* 7*d.* to 3*d.*, = 4*l.* 1*s.* 3*d.* per Cent. The 3 Per Cents. fell 20 per Cent., or from 93⅝ on the 28th of February, 1825, to 77 on the 28th of February, 1826. The dockets struck in bankruptcy were 3548, and more than treble the number took the benefit of the Insolvent Act; and private compositions were innumerable. Of country bankers, 80 were bankrupt in 1825 and 1826. In short, it is estimated that 30,000,000*l.* sterling were lost by merchants, of which 8 to 10 millions by the large importations of foreign articles at high prices, and upwards of 3 millions alone were lost in cotton. But, in the midst of this universal ruin, the Bank of England flourished. In the latter part of the year 1824 the Bank had 11½ millions of bullion, but in the end of 1825 it had none. In the last week of December, 1824, the Bank had circulation 19,445,380*l.*; but in the last week of December, 1835, the circulation was 25,709,410*l.*, being an increase, as compared with 1824, of 6,262,030*l.* And therefore the gains of the Bank were upon 17,600,000*l.*, more Paper in circulation in December, 1825, than in December, 1824, without the means of paying one million in specie.

As a proof of the reckless manner in

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* Appendix, No. 6.

which the Bank of England made advances on Stock and other securities, he would mention an extraordinary instance, related to him and which he believed to be correct. About this period a plan was brought before the French Chambers for the reduction of the Five per Cents. of that country, and the bill passed the Chamber of Deputies, but was lost by only one vote in the Chamber of Peers. He understood that if that bill had passed, Mr. Rothschild and Mr. Alexander Baring had undertaken by a loan to the French government to assist to carry the plan into effect, and that the former gentleman had made an agreement with the Bank of England, that it should make him advances of two millions on stock. He had heard this from good authority, and it was most fortunate that the bill was thrown out of the French Parliament, as the advance would have been required at the time the Bank of England was in difficulty and it would have greatly added to the disastrous results of that period had it been carried into effect. It had been mentioned, that this state of the money market had produced a great effect on prices of all articles of import in this country in the year 1825, and had led to a great increase in the imports. He would mention a few of the chief articles. Thus there had been an increase of 44 per Cent. in the quantity of flax imported; 71 per Cent. in the quantity of tallow; 81 per Cent. on the quantity of tobacco; 64 per Cent. on the quantity of wine; 52 per Cent. on the quantity of cotton wool; and an increase of 94 per Cent. on the quantity of sheep's wool. This was in consequence of prices in England being so much higher in the depreciated currency than they were abroad. The bubble, however, burst when the Bank ceased to pay in bullion, and the holders of stock of every kind were obliged to reduce their prices to a ruinous extent to obtain money, and many millions value of goods were re-exported to find markets elsewhere, and the whole of the increase of price had been a gain to the foreign merchant and a loss to the British merchant. The official value or quantity of the imports had increased from 37,000,000*l.* sterling, in the year 1824; to 44,000,000*l.* in 1825, and had fallen to 1836 in 1825. But the real value had greatly exceeded those sums by the great increase of price of each article. He trusted that he had proved, that if the Bank had acted on proper principles in its issues of currency, the commercial losses of 1825 would not have taken place. The Bank had been in the habit of throwing all the blame on the country banks, and he would admit, that these banks were not without blame, though their misconduct were far less than those of the Bank of England, which ought to have set a good example, by checking speculation instead of promoting it. But it will be seen, that whilst the increase in the amount of paper by the Bank of England was 17,206,776*l.*, the creation of paper money by the country bankers during the same period was 6,415,350*l.*, making together 23,622,126*l.*, of which there was cancelled for bullion 11 millions; a part of the remainder was lost by the failure of country banks, and the rest was added to the currency. He had been thus minute in explaining the state of the currency which had led to the crisis in 1825-6, because all the facts necessary for the proof were on record: and he (Mr. Hume) believed, that if inquiry was granted, as he required, that the causes of the crisis of 1836-7, could be as certainly made out. It may, therefore, be proper shortly to notice the proceedings of the Bank after the crisis of 1825-6, up to that of 1836-7. The loss which the public suffered by the crisis in 1825-6, made so strong an impression on the Bank and on the commercial world in England, that, for several years, there was little disposition on the part of the Bank, or of commercial men generally, to speculate; and the approach of the renewal of the charter of the Bank in 1833, and the inquiry expected into the affairs of the Bank, tended to keep the directors more attentive to the state of the currency, and not to risk any derangement by such excessive issues as we have seen did take place between 1821 and 1825; and which have taken place of latter years, and led to the crisis of 1836-7; and also to the pecuniary difficulty of the present time. During the eight years from 1826 to 1833, the money market was pretty steady and quiet, and commercial affairs were not subjected to any serious pressure. If the cause of that steadiness in the currency be sought for, it will appear from the following table, that the amount of securities held by the Bank did not vary at any time in those eight years more than 1,673,450*l.*, or from 25,208,980*l.*, to 23,529,530*l.*: and the bullion from 10,347,290*l.*, to 5,293,150*l.*, and during the greater part of that time, the bullion was from eight to ten millions.

Amount of Securities held by the Bank of England for eight years.

	£.	Bullion.
1826, Aug. 3	.. 25,083,630 ..	6,754,230
1827, Feb. 27	.. 23,529,530 ..	10,159,000
1828, Feb. 28	.. 23,581,270 ..	10,347,290
1829, Feb. 28	.. 25,384,750 ..	6,835,000
1830, Feb. 27	.. 24,204,390 ..	9,171,000
1831, Feb. 28	.. 25,208,980 ..	8,217,050
1832, Feb. 29	.. 24,333,490 ..	5,293,150
1833, Feb. 5	.. 23,645,000 ..	9,648,000

He requested attention to this statement, that it might be contrasted with the enormous variations between 1822 and 1826, as well as in periods since 1835—up to this time. It was in 1833 that the renewal of the Bank charter took place, and he looked back with satisfaction to the part he had taken on that subject. He had done every thing in his power to oppose that renewal. The renewal, however, took place, and two innovations were made, to which, on account of their importance, he would refer. The one was, that joint stock banks were established; the other, that the Bank of England paper was made a legal tender instead of cash in the payments of the notes of these joint stock banks. He had at that time pointed out the danger to which the credit of the Bank would be exposed, by the demand for gold in times of pressure; and he foretold as the certain result, that the Bank of England would have to provide bullion sufficient to meet the whole of the paper currency of the kingdom. The House should know what the amount of that paper has been, to enable it to form an opinion of the risk run by this innovation. In July, 1835, the circulation and deposits of the Bank of England, were 29,390,000*l*., and the country paper 10,939,000*l*., making the paper circulation in England and Wales 40,329,000*l*.: and on the 25th of June last, the amount of paper for which the Bank was answerable was 37,927,467*l*., viz: Bank of England, circulation and deposits 25,668,000*l*.; and joint stock and private banks on the 30th of March last was, 12,253,467*l*. In proof of the want of system and principle on which money matters were managed, he might state, that the Bank was lending money at no less than four different rates of interest, an arrangement obviously absurd and mischievous. To the joint stock banks, who agreed to issue only Bank of England notes, as if it were intended as a premium to over issue, they lent money at 3 per cent.; while to another class they discounted it at 4 per cent.: and what could possibly be more absurd than this, that while the Bank was endeavouring to repress its own circulation in London, by raising its discounts to 5, and then to 5½ per cent., it was lending money to these joint stock banks for them to issue at 3 per cent.? This was, in fact, producing the effect which they charged joint stock banks with, and which they should carefully have avoided. It had been expected by Lord Althorp that the publication, monthly, of the amount of bullion in the Bank, would put the joint-stock banks on their guard in respect to their issue of paper money: but the general conduct of the country bankers for their issuing paper money, appeared to be regulated on other principles, and without regard to the state of the bullion in the coffers of the Bank, as was shown by Mr. Gibbins in his evidence before the committee. He was asked,

Q. 1291—1306. "For the security of your banking operations, would you like to know a little more accurately, in point of time, what is the state of the assets and liabilities of the Bank of England?"—"No; I should think not. I do not know that that concerns us much. "You do not think that would concern you in your business as a banker?"—"No." "You do not regard it at all."—"No." "If you saw, upon a series of returns from the Bank of England, that the amount of bullion had been gradually lessening, and that there was a drain upon the resources of the Bank of England, do you conceive that that would be a matter to which it would be your duty to give attention, as a practical banker in the country?"—"We have not the charge of providing bullion to pay our notes; that charge rests with the Bank of England to provide bullion." "Does not the state of exchanges and the amount of gold in the hands of the Bank of England affect the country banks of this country?"—"I do not think it does in general; I think it only operates with a very few banking companies."

Another just cause of complaint against the Bank was the fluctuation in the amount of its securities. Upon this subject, Mr. Horsley Palmer had given evidence before the Committee, in 1832, to the following effect:—

Question 84. "It appears, by the accounts before the Committee, that for the last four years the amount of securities in the hands of the Bank varied very little. Do you consider it important in the management of the Bank to keep the securities at nearly the same amount?"—"As nearly as the same can be managed." "85. What is the reason why you think it necessary to keep the securities at the same amount?"—"Because the public are thereby enabled, without any forced action on the part of the Bank, to act for themselves in returning notes for bullion for exportation, when the exchanges are unfavourable. If the exchanges continue favourable for any great length of time, then the influx of treasure will command an increased issue of paper, and which may derange the proportions; but it does not follow that the Bank ought, upon that account, immediately to extend its issue upon securities. When, however, it is clearly ascertained to be desirable that part of the excess of bullion so received should be returned to the continent, then it may be necessary for the Bank to re-assume its proportion, by transferring part of the bullion into securities, still preserving the proportions of one-third and two-thirds."

He (Mr. Hume) desired to state, that the Bank had in this particular also, acted contrary to Mr. Palmer's opinion; for, on the 4th of February 1834, the amount of securities held by the Bank was 24,762,000*l*., and on the 23rd of September 28,691,000*l*.; on the 2nd of June 1835, the amount was, 25,562,000*l*., and on the 15th of December, 31,048,000*l*.; on the 12th of January, 1836, the amount was 31,954,000*l*., and on the 31st. of May, 26,534,000*l*., on the 7th of March, 1837, the amount was 30,579,000*l*., and on the 12th of December in the same year, the amount was 22,727,030*l*, showing that no less a sum than 7,852,000*l*., had been drawn in that short period. So great changes were contrary to every just principle of a bank of issue, and was calculated to produce, as it had really done, the greatest evils. Although it was admitted, that the circulation of paper was too large, and that the bullion was therefore leaving the country, yet the proper means were not taken by the Bank to reduce it. Mr. Samuel Gurney had been examined before the Committee, on 7th July, in 1832, as to the best means of reducing the circulation, and the following was the evidence which he gave:—

Question, 2589. "Which would be most advantageous to the persons engaged in commerce in London, the Bank selling their other securities in the market, or either raising the rate of discount, or refusing discounts altogether?—Taking for granted that they were compelled to take some severe step, I think the least disadvantageous would be to sell their other securities; I think the most injurious step would be to refuse the discount." 3591, "Would the sale of Exchequer Bills be calculated to produce fluctuation in the value of money you have spoken of?—A sale on the part of the Bank of England of Exchequer Bills, of course has the effect of lessening the amount of Bank notes, and increasing the value of money." "3552. Is there any measure which the Bank of England could have taken, or can now take, to regulate the exchanges, when such operations are undertaken by this country?—No other measure that I am aware of, than by reducing their circulation, and increasing the value of money in this market." "3553. Is there any measure which the Bank could take to protect themselves from a drain of bullion, when such transactions are undertaken by capitalists in this country?—I do not think they can take any steps to protect themselves, excepting that of reducing the amount of their circulation, and of increasing the value of money."

He would also shew that the Bank had no fixed rules for their discounts, but varied them from time to time, at their will and caprice; although Mr. Horsley Palmer had stated to the Committee, in 1832, that the rate of discounts ought not to vary—

Question 170. "Do you think it desirable that the Bank should vary frequently their rate of interest with the market rate?—No, I think not, I am of opinion that with the object of keeping their securities fixed and steady in amount, it is not desirable frequently to vary the Bank's public rate of interest."

He had in his hand a statement of the causes which led to the monetary crisis of 1836-7, originating in the fifteen millions loan, in 1835, and caused by the misconduct of the Bank afterwards; but he should do no more at present than state, that he was ready to prove, that the whole of that ruinous crisis took place through the same course of mismanagement as that which produced the crisis of 1825-6, and of 1839, and he therefore asked for a committee for that purpose. But before entering into the details of the loan of 1835, which was the origin of the crisis of 1836-7, he would shortly notice the practice of the Bank in giving discounts before that year. In May 1835, the currency was as already stated in a good condition; and, to understand the effect of the notices of the Bank of England for advances on securities during 1835, 1836, and subsequent years, it was necessary to premise, that the Bank, in its regular mode of doing business, was formerly only open to applications for the discounting of bills of exchange not having longer than ninety days to run, and this only to persons who had regular discount accounts with the Bank; but, under the pretence of assisting the money market, during the four periodical shuttings of the different stocks, the Bank for several years previous to 1835, had been in the practice of making advances on long dated bills of exchange, Exchequer bills, India bonds, and other approved securities. These advances were about six weeks at each of the quarterly periods, and were made to all persons indifferently, so that for twenty-four weeks in the year the Bank broke through all its former rules, and also the rules which it observed in granting discounts during the remainder of the year. This was a system which must have the effect of encouraging gambling; for there never was the least difficulty in obtaining money, on Exchequer Bills, India bonds, and long bills of exchange, from private bankers, after the payment of the dividends and the opening of the stocks; but, the difficulty which speculators had, was to obtain money during the shutting and previous to the payments of the dividends, and that difficulty was removed by this new practice of the Bank. The making these advances for so short a period as ten days, by means of which a man might pay off and renew his loan, at least three times in six weeks, was also, an encouragement to gambling. These practices had been frequently observed upon, and objected to, and the Bank seemed at one time to be convinced of its error; for, if he was correctly informed, from March, 1837, until November, 1838, it made no other advances during the shuttings than on such long-dated bills of exchange as did not come within the general rules of the Bank. This being premised, he would now state the last of these periodical notices of the Bank previous to the loan, dated the 29th of May, 1835, which was as follows:—

"The Governor and Company of the Bank of England do hereby give notice, that on and after the 29th instant they will be ready to receive applications for loans upon deposits of bills of exchange, Exchequer Bills, East India bonds, or other approved securities, such loans to be repaid on or before the 15th of July (six weeks), with interest at the rate of 4 per Cent. per annum, and to be for sums of not less than 2,000*l*.

From which it was evident, and important to be remembered, that the rate of terest, charged by the Bank previous to the loan of 15,000,000*l*., was 4 per cent. The loan for 15,000,000*l*. was taken on the 3rd of August, 1835; and, on the 5th of August, the Bank issued a notice precisely similar to the notice he had just read, agreeing to make advances on bills of exchange, Exchequer Bills, India bonds, and other approved securities; such advances to be repaid on or before the 20th of October (76 days or 11 weeks), but with this difference, that interest should be charged only at the rate of 3½ per cent. Upon this notice there were two things to be observed—first, that it was out of the regular course, for in the regular course of business this notice would not have been given till the beginning of September, previous to the shutting for the October dividend; and next, the Bank dropped its rate of interest from 4 to 3½ per cent. And this appeared evidently to him (Mr. Hume) to have been done to induce the subscribers to pay up the loan in full, because the Government allowed a discount equal to 3¾ per cent. In this state of things it is quite clear, that if payments of the loan were made in full, it must have been owing to the Bank having dropped its rate of interest, by which a profit of ¼ per cent. was, at once, gained by the person getting discount from the Bank at 3½ per cent. and then paying up the loan, on which he was allowed 3¾ discount; as, otherwise, no one would be so mad as to borrow money of the Bank at 4 per cent., which was the previous rate of discount, under the notice of the 29th of May, to get only 3¾ per cent. from the Government: but, notwithstanding this encouragement by the Bank, very little of the loan was paid in full for fifteen days; and then the Bank, as if to encourage the operation, resorted to the unjustifiable and unusual expedient of making advances on stock, for on the 20th of August, 1835, it issued the following notice:—

"The Governor and Company of the Bank of England do hereby give notice, that they will make advances on stock, and other approved securities, such advances to be repaid on or before the 10th of September next, with interest, at the rate of 3½ per cent., and in sums of not less than 2,000*l*."

On the 10th of September following, the Bank again renewed the notice for advances on stock. On the 1st of October, 1835, it again renewed the notice for advances on stock, and other approved securities, to the 20th of October. On the 8th of October, it renewed the notices for advances on bills of exchange, Exchequer bills, East India bonds, and other approved securities to the 20th of November, but omitting stock. On the 15th of October, it again renewed the notice for advances on stock and other approved securities, till the 20th of November. On the 29th of October, it again renewed the notice for advances on stock, Exchequer bills, &c., till the 15th of January, 1836 (being for 78 days, or eleven weeks); and this notice was certainly given to refresh the memories of the public, and induce them to apply for further advances, because the former notice of the 15th of October did not expire till the 20th of November. Some time before this last notice expired, the advances on stock, bills of exchange, Exchequer bills, and other approved securities, were continued to the 12th of February. On the 28th of January, 1836, although its securities had increased from 25,678,000*l.* on the 30th of June, 1835, to 31,951,000*l.* on the 12th of January, the Bank renewed the notice for advances on stock, Exchequer bills, &c., till the 15th of April, 1836, when it discontinued its advances on stock, after April, 1836. He had no hesitation in pronouncing these different notices to be so many puffing advertisements, to induce the public to apply for advances; and he did not wonder that they should have had the effect, first, to make money plenty and cheap, which produced speculation; and then raised the prices of articles of all kinds: and the subsequent disastrous bankruptcies of so many merchants were only the results of the sudden reduction of the circulation by the Bank when they found the bullion had almost all left their coffers. After the Bank had discontinued its advances on stock, it then fell into the usual way of making advances on Exchequer bills &c., during the shutting. The next notice was on the 2nd of June, 1836, when the Bank began to profit by the stimulus they had given to speculation, and the rate of interest was raised to 4 per cent. to make advances to the 15th of July. The next notice after this was on the 2nd of September, to make advances to the 20th of October, when the interest was further raised to 5 per cent. But, on the 2nd of March, 1837, when the securities had again been increased from 26,534,000*l.* on the 31st of May, 1836, to 31,085,000*l.*, and the bullion reduced to 4,032,000*l.*, on the 7th of February, 1837, the Bank issued a notice whereby it confined its advances to bills of exchange, having not longer than 95 days to run; and it said nothing of Exchequer bills, India bonds, and other approved securities. The notices afterwards issued by the Bank were very irregular. Notices were issued on the 2nd of March, and 31st of May, 1837, at 5 per cent. discount, and the advances were confined to bills of exchange; but, on the 29th of November, continued at 4 per cent. to February 1838. It is here to be observed, that during that period the securities had been reduced from 30,579,000*l.* on the 7th of March, 1837, and 22,606,000*l.* on 9th January, 1838; and the bullion, which was 4,048,000*l.* on 7th of March, 1837, had increased to 8,855,000*l.* on 9th January, 1838, and towards the end of February the bullion had increased to above ten millions sterling. But when bullion was in abundance, and the securities moderate, on the 28th of February, and continued on the 31st of May, 1838, the following notice was issued by the Bank, as if again to invite to speculation and to over-issue of paper, by which the Bank always profited:—

> "The Governor and Company of the Bank of England do hereby give notice, that on and after the 28th and 31st instant, they will be ready to receive applications for loans on the deposits of approved bills of exchange, not having more than six months to run; such loans to be repaid on or before the 17th of July next, with interest, at the rate of 3½ per cent. per annum, and to be for sums not less than 2,000*l.* each."

Thus the Bank reduced the rate of interest again to 3½ per cent, as if to encourage discounts, and to give an impetus to its issues of paper money; and continued to act on this principle until the 29th of November, 1838, when an additional stimulus was again given, by notice, to make advances on bills of exchange, Exchequer-bills, India bonds, and other approved securities, continued until the 23rd of January, 1839, (fifty-six days), at 3½ per cent. On the 28th of February, 1839, as if to get rid of the bullion, which had begun to decrease, the same notice was given at 3½ per cent. to be repaid on the 23rd of April, (fifty-four days). I may observe, that although on the 28th of May, 1839, the bullion in the Bank had, by the over-issue of paper, been reduced to 5,119,000*l.*, yet, on the 30th of that month, the same notice was given for advances on Exchequer-bills, India bonds, and other approved securities, but at an increased interest of 5 per cent., to be repaid on the 23rd of July, 1839. On June 20, 1839, the Bank raised the interest, with reference to the preceding notice, to 5½ per cent., and excluded Exchequer-bills, India bonds, and other approved securities. All this time the bullion had been going out until it had been reduced from 10,015,000*l.* in 6th March, 1838, to 4,344,000*l.*, at which amount it stood on the 20th of June. These were the fluctuations and irregularities, in the amount and value of money, which had brought about the recent commercial money difficulty. It was the excessive and injudicious cheapening of money and encouraging of speculation which had turned the exchanges against us, as they still continued. By advices from Paris received this day, it appeared that the exchanges were as much against England as they had been for months past, and he feared they would not be so easily put to rights. It had been one of the recommendations of the committee of 1832, and it was one of the objects which Lord Althorp professed to have in view in renewing the Bank Charter, that steadiness in the currency should be insured by the operations of the Bank. On the 28th of June, 1833, Lord Althorp said in the House,

> "If the Bank Directors should act upon a principle contrary to that upon which it is generally understood that the monetary system of the country should be conducted, they would find themselves placed in a situation which no man of respectability would wish to stand in."

He (Mr. Hume) asserted, that the Directors had acted contrary to that understood principle in 1835–6, and again in this year; and so far from this object having been obtained through the agency of the Bank, he could show, that in every one of its operations, there had been a continual fluctuation, perpetual ups and downs, without any apparent or discoverable principle. And to show the extent of these fluctuations, he would state some of the changes in the amount of Bank notes and Bank post bills in circulation in different years, as follow:—

Dec. 20, 1823,	£17,575,000	
Dec. 24, 1825,	£25,611,000	Increase of Bank Notes and Bank Post Bills in 24 months.........£8,036,000
June 16, 1827,	£20,503,040	Decrease of Bank Notes in 18 months........ £5,107,960
April 18, 1829,	£20,750,600	Increase of Bank Notes in 22 months.......... £247,020
June 26, 1830,	£19,978,550	Decrease of Bank Notes in 14 months...........£771,510
Feb. 4, 1832,	£19,156,990	Decrease of Bank Notes in 20 months...........£821,560

But the extent of the fluctuations in the issues of paper by the Bank would appear, when he afterwards stated the amount of bullion and of securities. The circulation and deposits of the Bank, from 1834 to this time, had fluctuated greatly. In 1834, on the 1st of July, the amount was, 35,991,000*l.*; and, on the 16th of December, 30,560,000*l.*, a decrease of six millions. In 1835, on the 28th of July, the amount was 29,833,000*l.*, and, on the 15th of December, it was 35,050,000*l.*, an increase of more than five millions. In 1836, on the 8th of March, the amount was 34,705,000*l.*, and, on the 15th November, it was 30,225,000*l.*, a decrease of near six millions. In 1838, on the 1st of May, the amount was 30,090,000*l.*, and on the 25th of June, 1839, 25,668,000*l.*, a decrease of four and a half millions—thus always varying to a great extent. Let the House compare these fluctuations just enumerated, with the comparatively slight changes in the amount of the circulation of joint-stock banks and of private banks in the same period, and say how far the joint-stock banks deserve the censure cast upon them. The hon. Member read the following table:—

RETURN OF THE CIRCULATION OF PRIVATE BANKS AND JOINT-STOCK BANKS, THREE MONTHS, ENDING—

	Private Bank.	Joint-Stock Bank.	Total.
1833 Dec. 28	£8,836,803	£1,315,301	£10,152,104
1834 June 28	8,875,795	1,642,887	10,518,682
—— Dec. 28	8,537,655	2,122,173	10,659,828
1835 June 27	8,455,114	2,484,687	10,939,803
—— Dec. 26	8,334,863	2,799,551	11,134,414
1836 June 25	8,614,132	3,588,064	12,202,196
—— Dec. 31	7,753,500	4,258,197	12,011,697
1837 July 1	7,187,673	3,684,764	10,872,437
—— Dec. 30	7,043,470	3,826,665	10,870,135
1838 June 30	7,383,247	4,362,256	11,745,503
—— Dec. 31	7,599,942	4,625,546	12,225,488
1839 Mar. 30	7,642,104	4,617,363	12,259,467

The lowest, Dec. 28, 1833........ £ 10,152,104
The highest, Mar. 30, 1839........ £ 12,259,467

Increase .... £ 2,107,363

It thus appeared, that the greatest variation in the amount of private and joint-stock circulation was from 10,152,104*l.* to 12,259,467*l.* or 2,107,363*l.* It was wonderful, considering what the conduct of the Bank had been in forcing out the money—considering what temptations it had held out to private banks to extend their issues, and to individuals to engage in wild and hazardous speculations — that both joint stock banks and individuals had not yielded to the temptation to a much greater extent than they had done. All his statements were drawn from public documents, from reports of committees, and other official sources. He put forward nothing in the way of figures that he believed could be disputed; and resting upon these proofs, he asserted, that the Bank of England had acted in a manner widely different from what ought to have been the conduct of a great public body, holding the power over the currency of the country, and the influence which the Bank held. It was necessary to know the amount of bullion held by the Bank to meet the demands that might be made by the holders of the thirty-seven or forty millions of Bank notes in England and Wales, to be able to judge of the principle on which the Bank Directors acted, and how far they had succeeded in keeping a steady amount of bullion, to meet those demands. It appeared that the amounts of bullion in the hands of the Bank varied to a great extent.

	Amount of Bullion.	Fluctuations.	
On Dec. 20, 1823..	£14,142,000		
Dec. 24, 1825..	1,027,000	Decrease in 24 months.	£13,115,000
June 16, 1827..	10,677,000	Increase in 18 months.	9,650,000
April 18, 1829 .	6,104,000	Decrease in 22 months.	4,573,000
June 26, 1830..	11,795,000	Increase in 14 months.	5,691,000
Feb. 4, 1832 ..	5,088,000	Decrease in 20 months.	6,707,000

	Bullion Average of three Months.	Variations.	
On Dec. 28, 1833 ..	£10,200,000		
March 25, 1835..	6,295,000	Decrease in 15 months.	£3,905,000
Nov. 26, 1836 ..	8,014,000	Increase in 12 months.	1,719,000
March 7, 1837 ..	4,048,000	Decrease in 12 months.	3,976,000
April 3, 1838 ..	10,126,000	Increase in 13 months.	6,078,000
June 25. 1839 ..	4,344.000	Decrease in 14 months.	5,782,000

Thus between the 20th December, 1823, and the 24th of December, 1825, the amount of bullion in the coffers of the Bank had varied from upwards of fourteen millions to little more than one million; and in the period between December, 1833, and June 25, 1839, it had twice varied from about ten to four millions. The fluctuations in the price and interest of Exchequer bills were also considerable. They were as follow:—

EXCHEQUER BILLS, AVERAGE OF SIX MONTHS.

	At Premium	At Interest per diem.
1830, Jan. 5	78*s.* to 79*s.*	2*d.* and 1¾*d.*
— July 5	81*s.* to 80*s.*	2*d.* 1¾*d.* and 1½*d.*
1831, Jan. 5	26*s.* to 29*s.*	1½*d.*
— July 5	10*s.* to 9*s.*	1½*d.*
1832, Jan. 5	9*s.* to 8*s.*	1½*d.*
— July 5	12*s.* to 10*s.*	1½*d.*
1833, Jan. 5	40*s.* to 50*s.*	1½*d.*
— July 5	53*s.* to 54*s.*	1½*d.*
1834, Jan. 5	46*s.* to 48*s.*	1½*d.*
— July 5	51*s.* to 53*s.*	1½*d.*
1835, Jan. 5	40*s.* to 41*s.*	1½*d.*
— July 6	31*s.* to 33*s.*	1½*d.*
1836, Jan. 5	15*s.* to 18*s.*	1½*d.*
— July 5	15*s.* 17*s.* to 14*s.*	1½*d.*
1837, Jan. 5	32*s.* to 34*s.*	1½*d.*
— July 5	32*s.* to 34*s.*	1¼*d.*
1838, Jan. 5	50*s.* to 52*s.*	1½*d.*
— July 5	71*s.* to 74*s.*	2*d.*
1839, Jan. 5	67*s.* to 66*s.*	2*d.*
— June may be quoted	10*s.* 20*s.*	1½*d.*

It may be observed, that those six months averages gave an imperfect view of the constant fluctuations in the price of Exchequer bills, which are nevertheless considered to vary less than any other public security, and are sought for accordingly: although during this period Exchequer Bills have been more than once at a discount.

The securities in the hands of the Bank show, with more accuracy the amount of issues or loans by the Bank, and the variations in their money transactions much better than the others; and, to those, therefore, should be directed the special attention of Members to enable them to judge. The fluctuations from 1819 to 1826 have been already stated; and from a comparison of the amounts of Bank securities in different years since 1832, it will be seen that the fluctuations were excessive. The amount of securities was on—

May 1, 1832	£23,896,000	In 1832 the greatest fluctuation was		£1,189,000
Dec. 4, —	22,707,000			
April 2, 1833	24,289,000	Charter granted in	1833	697,000
Aug. 6, —	23,592,000			
Oct. 1, —	24,244,000			
March 4, 1834	25,547,000		1834	3,144,000
June 3, —	27,812,000			
Sept. 23, —	28,691,000			
Dec. 16, —	26,362,000			
June 2, 1835	25,562,000		1835	3,099,000
Oct. 20, —	28,661,000			
Jan. 12, 1836	31,954,000		1836	4,801,000
June 28, —	27,153,000			
March 7, 1837	30,579,000		1837	7,852,000
Nov. 14, —	23,985,000			
Dec. 12, 1837	22,727,000			
Dec. 11, 1838	20,707,000		1838-9	3,127,000
June 25, 1839	23,934,000			

The highest,—January 11, 1836.	£31,954,000
The lowest,—December 11, 1838	20,707,000
The greatest difference	£11,247,000

It would be further seen that, on 11th Dec. 1838, the amount of Bank securities was 20,707,000*l.*; and, although the exchanges were against England, and the bullion going abroad, the Directors had continued to issue money at 3½ per cent. on approved securities, so that, when the next return was made in June, 1839, the securities had increased to 23,934,000*l.* In other words, they had forced out money, and increased the paper circulation to the amount of more than three millions, although all the time the Exchanges were against England; and he believed that, if there had been weekly returns, it would appear that the circulation had been increased by nearly four millions during part of that period. One of the effects of this increase of the circulation was to raise the price of corn, and of every other article, for example, of upland cotton in the Liverpool market from 6¼*d.* to 9½*d.* per lb.

It was necessary, after these general statements of fluctuations in the amount of securities, circulation, and bullion, to give a short abstract of the conduct of the Bank since 1837, to prove, that the directors might have avoided the present difficulty, into which they have placed the commerce and manufacturing interests of this country, if they had acted on the rules laid down by Mr. Horsley Palmer and other well-informed men, and been attentive to the foreign exchanges and to the state of bullion in their coffers; and he might venture to say, that no other body of men could be found to proceed so blindly, as they had done, with all the signs of approaching danger about them. On the 7th of February, 1837, the amount of securities in the Bank was 31,085,000*l.*, and the amount of bullion in the coffers of the Bank was 4,039,000*l.* During that year, the amount of securities was gradually reduced, until on the 12th of December it stood at 22,727,000*l.*; and, it should be observed that, as the securities were reduced, and the issues of paper cancelled, the bullion increased, and on that day amounted to 8,172,000*l.*; for 14 months, from January, 1838, to March, 1839, the securities scarcely ever exceeded what they were in December, 1837; and the amount of bullion had remained steady. On the 11th of December, 1838, the securities amount only to 20,707,000*l.*, and the bullion to 9,362,000*l.* From September to December in that year, large importations of corn had taken place, and the exchanges had been from August against England, yet, without occasioning any reduction in the amount of bullion in the Bank. The harvest had greatly failed, and every man in the country knew that large importations of corn must take place to supply the deficiency of this country; and it might have occurred to the Bank directors that, with an adverse exchange existing for six months against us, caution was requisite to preserve the bullion, and to take measures to meet the drain of gold by the adverse exchanges. Opinions had been given by eminent men before the committee in 1832, that the continuance of adverse exchange was a proof that the currency was in excess, and that a reduction of the amount of paper currency was the best means of correcting the exchange: But the Bank directors, instead of adopting that course, took the very reverse, and on the 28th of November, advertised, as has been already stated, to lend money at 3½ per cent. on security of Exchequer Bills, India bonds and, other securities to an unlimited amount: and they continued to lend though at increased rates of interest, until they increased their securities to 23,934,000*l.* on the 25th June last, having by that means increased their issue of Bank-notes to the amount of 3,227,000*l.*; the exchanges continuing against England all that time. As was to be expected the bullion disappeared as fast as the notes were issued, as follows:—

		£.		Bullion.
On the 11th Dec., 1838 ..	The amount in Securities was:—	20,707,000	and	9,362,000
„ 8th Jan., do. ..		21,680,000	and	9,366,000
„ 5th Feb., do. ..		22,157,000	and	8,919,000
„ 5th March do. ..		22,767,000	and	8,106,000
„ 2nd April do. ..		22,987,000	and	7,073,000
„ 28th May do. ..		23,543,000	and	5,119,000
„ 25th June do. ..		23,934,000	and	4,344,000

And he believed the amount of the bullion in the Bank, at the time he spoke, did not exceed three millions, as the amount quoted was the average of the three months of a descending series. After such mismanagement of the currency of the country, and the distress it had brought, and must further bring, on the industry of the country, ought the Chancellor of the Exchequer, if he consulted the public interest, to refuse the inquiry? Ought the House blindly to support him in his opposition to the inquiry, when the Bank had so conducted itself? He would state to the House how very different had been the conduct of the Bank of France. It appeared from the evidence of Mr. A. Baring, before the Lords' Committee of 1819, that even in a period of panic and considerable pressure, the Bank of France never reduced or increased the rate of its discounts of commercial bills. All they did, in order to check excessive speculations, was, to reduce the period of discounts from ninety days to sixty, and for a short time to forty-five days. From the year 1819, until the present time, the Bank had never increased the charge for discounts, but had preserved an uniform rate of four per cent all that time, and had never refused to dicount any commercial bills with proper indorsement; and he believed, that the Bank of France really gave much more assistance to the commerce of the country than the Bank of England did. During the whole of the political disturbances in 1830 they had steadily continued in that course. He had lately examined that bank, and he would mention to the Chancellor of the Exchequer, the answer of the governor to him, when he asked whether there would be any objection to his seeing the accounts of the bank—"None at all; our house is a house of glass. Every man may see our transactions." In fact, the transactions of the Bank of France are every day printed, and returns of them made to the Treasury. These accounts are regularly made up, showing every shilling received and paid during the day, and the amount of discounts under every head; in short, the whole daily transactions of the bank are regularly entered and printed yearly to the world, so that there is no mystery, and the greatest confidence in the operation of the bank accordingly existed in France. On a late occasion, when the Belgian Bank failed, and a run took place, on the banks in Paris, in consequence of the erroneous principles on which Laffitte's bank was conducted, there was considerable pressure. But all that the Bank of France did was to re-discount some of the notes of Messrs. Laffitte's bank at forty-nine days, and thus gave efficient assistance and stopt the run. That was all that had been done to place the currency of Paris in its proper state, while we were undergoing most severe attacks upon our property by the most erroneous currency arrangements of the Bank of England, which was the parent, instead of being the preventor, of speculation. While the Bank of England had been discounting and lending at 3½ per cent., 4 per cent., 5 per cent., and 5½ per cent., the Bank of France, avoiding such variation and its evil consequences, had continued its discounts at four per cent. When commercial men in France wanted money they went to the bank and got discount without difficulty, the result of which was that the amount of discount in the French Bank was much more than that of the Bank of England. He complained, that the Bank of England, by lending money at times at low interest, often lower than the market price, on stock and other securities, did in reality urge to over speculation by merchants, and to over issues of paper by joint-stock banks; and, having got the country into great excitement of high prices and apparent prosperity, altered their plan, reduced their discounts, raised the interest, and, to prevent the exhaustion of their bullion, suddenly cramped the whole of the commercial transactions of the country. The Bank of France did no such thing. He (Mr. Hume) also complained, that the Treasury was, by the present system, dependent on assistance from the Bank: the Bank was made subservient to the purposes of the Government; and the Government, in return, subservient to the purposes of the Bank. The Chancellor of the Exchequer was dependent every quarter-day for the advances which were made to him from the Bank, to pay the dividends of the public debt. He thought this a state of things which imperatively called for a change. It appeared to him to be very important, that the House should not separate without understanding the principles on which the Bank had acted, the manner in which it had used the power over the currency and the exchanges, and the consequences of their conduct. However late the period of the Session, therefore, he thought, that it behoved Parliament to examine, and see whether or not the Bank had fallen into any mistake; and if it had, in what manner a remedy could be applied, and how the recurrence of similar mistakes could be prevented. He thought the Bank directors themselves ought to be glad to have their errors, if they had committed any, pointed out. The late period of the Session ought, therefore, not to be a valid objection to entering upon the inquiry which he proposed. If the House saw the danger in which the commerce of the country; and, he would add, the finance and credit of the country, were placed by the irregular and improper proceedings of the Bank, he felt confident, that they would not think of separating until an inquiry was made. He had before stated, that in the last week the Chancellor of the Exchequer could not have paid the dividends on the public debt without money from the Bank; and let us suppose the Bank to have no gold in its coffers at the next quarter day in October, how would the character and credit of the country be injured, if the Chancellor of the Exchequer had not gold to pay the dividends—and he would add, that that was possible, nay, probable. He would undertake to provide the committee with all the materials which they would require in order to come to a decision. He would pledge himself, that the inquiry need not occupy them more than fourteen days. He wanted no evidence to prove his case beyond what the records of Parliament and the books of the Bank could supply. He would be prepared, from public documents alone, to substantiate every one of those important statements which he had made to the House. The hon. Member concluded by moving, as an amendment on the motion for the reading the Order of the Day, that

"A select committee be appointed to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments; and, particularly, to ascertain how far these transactions had produced the alarming crisis of the manufacturing, commercial, and financial, affairs of the country in 1825-6, and in 1836-7, and at the present time: and, also, to inquire whether, as the Bank of England is at present constituted, there ever can be stability in the currency, or confidence in the commercial transactions of the country."

Mr. *William Williams* seconded the motion. He regretted that so little interest had been taken by the public upon a subject of so much importance. He knew of no question which deserved more attention from that House and the public. It was one deeply affecting the property of the country, which was subject, at present, to such sudden fluctuations of value. At one period, every interest of the country was in a state of prosperity, the working classes were employed, and the manufacturers reaping profit; whilst at another period, and frequently, in a few months, adversity commenced, and went on advancing, until, at length, all interests felt it, and the country was in a state of depression, the working classes being thrown out of employment, or the wages of those who were in employment considerably reduced. In course of time, they saw the country again gradually restored to prosperity, but it so happened, that it never remained in the same state for two years together. There was evidently some great cause for those changes, and some remedy should be sought for them. He had paid great attention to the changes which had successively taken place, and his opinion was, that they had been altogether occasioned by the mismanagement of its issues on the part of the Bank of England, and the great powers which had been given to the Bank. He thought the connection subsisting between the Exchequer and the Bank of England, was another cause of many of the aggravated evils of which the country complained. Those who recollected the stoppage of the Bank, would recollect the evils it produced, and that when the difficulties occasioned by that event were over, a great rise took place on account of increased issues. From that time until 1810 every thing went on well. At that time Bank notes became depreciated, and a committee was appointed to inquire into the cause of the depreciation. This committee recommended a return to cash payments; but this was ridiculous at a time when guineas were valued at twenty-eight shillings. He would go to the next period, when distress was caused by the withdrawal of paper-money. Seeing the folly of any attempt to resume cash payments, the Bank of England began to limit their issues, and consequently there was a depreciation in articles of every description, and manufactured articles of every kind fell remarkably in price: a great number of failures took place, and the working classes were thrown into the greatest distress. Well, in a short time the Bank resumed their issues, and high prices immediately followed. In 1819 the measure commonly called Peel's Bill was introduced. By this bill it was provided, that from and after 1823, no notes of the Bank of England, of less value than 5*l.* should circulate. All would recollect the great pressure which followed, and which caused the bill to be abandoned. The greatest part of the pressure of that bill fell upon the agricultural interest, and the bill was repealed in 1822, a year before the period fixed for the final withdrawal of small notes. A great abundance of paper-money was then thrown into circulation, and the prosperity of the country rose to a great height. Various schemes were eagerly entered into for the employment of capital, such as the North American scheme, the mining scheme, and at the same time the country readily granted various nations throughout the world a great amount of loans. Commodities rose in value fifty, and in some instances 100*l.* per cent., and at the same time a great quantity of bullion was exported. The Bank, seeing the danger that was likely to arise from this excited state of things, began to draw in its issues. The panic of 1825 was consequently produced, when every description of property connected with trade and manufactures, fell to nearly one-half; nearly one hundred banks failed throughout the country; and merchants, manufacturers, and traders of every description, suffered to such an extent, that it might be almost compared to a general confiscation of property. What was the expression at that time made use of by that distinguished man, than whom no person better understood the question —he meant Mr. Huskisson—who said that the mismanagement of the Bank of England, had brought the country within forty-eight hours of a state of barter. After the country had come to its lowest point, things began to mend. Mr. Canning then had a bill passed, which placed Peel's Bill on its original footing. Various periods of distress had occurred successively up to 1836, and he contended that in every instance this distress was consequent upon a contraction of the Bank issues. In the latter end of 1836, owing to the mismanagement of the Bank affairs, a period of distress was produced. To show that mismanagement, he would refer to the Bank averages. On the 3d of July 1835, the circulation of the Bank was 29,269,000*l.*, and the amount of bullion in the Bank was 6,219,000*l.* On the 14th of January, 1836, about six months after, the circulation was 36,431,000*l.*, and the amount of bullion was 7,076,000*l.* Thus, though there was an increase of circulation to the amount of 7,162,000*l.*, the increase in the amount of bullion bore no comparative proportion to the increase of circulation. He recollected, that at the time he gave notice of a motion with respect to Exchequer bills, and was prevailed on to give it up by remonstrance from all sides of the House, that it would produce most injurious effects, as the Money Market was at the time in a state of depression. From July, 1835, to the middle of the year following, articles rose in value to the extent of from thirty to even fifty and in some instances seventy per cent. It was lamentable to see the indifference that prevailed with respect to this subject, which was important to the interests of every man in the community. One of the great causes for the increase of circulation that took place in 1836 was the inducements held out by the Chancellor of the Exchequer to make up the West-India loan of 15,000,000*l.* Some of the West-India claims having been adjudged at the time it was felt desirable to employ this great amount in some profitable manner, and money was offered in all manner of ways, so that it was possible to get an ordinary bill of exchange discounted at the rate of 2*l.* per cent. He differed from the hon. Member for Kilkenny, who said, that two thirds of the foreign corn imported into this country was paid for in bullion. Now, he had the best reason to know, that nearly the whole was paid in bullion. This was a lamentable fact, for in former years the corn imported was principally paid for in our manufactured produce. He contended, that if the Bank of England acted with prudence, and on the principles stated by one of their own directors at the time, that the Bank applied for a renewal of its charter, much of the evil that had taken place might have been avoided. He maintained, that the country ought not to be left exposed to continued danger by the manner in which the affairs of the Bank were conducted. The country ought not to be left in a state of ignorance on this subject; and even though the Chancellor of the Exchequer should oppose the motion, it was the duty of the House to support the motion and to grant the inquiry sought for. There were various points of view in which this question might be considered, and one was with respect to the connection between the Bank of England and the Exchequer. The Government were obliged to borrow money from the Bank to pay the quarterly dividends, and in consequence of this the dividends due on the 5th were seldom paid before the 10th or 12th of the month. He found in a return before the House, that in 1838 the amount of deficiency bills (those bills on which the Government borrowed money from the Bank) was 25,590,000*l.* This was at the close of last year. He contended, that the amount of these bills bore a very high proportion to the amount of the year's revenue. He contended, that this connection between the Bank and the Exchequer operated as an evil. And all this was done by a company consisting of twenty-four irresponsible merchants. As to the half-yearly meetings in the Bank parlour, they were mere farces. Some very civil persons assembled there to ask the governor questions, and to receive information which he was most desirous to communicate, but no information was ever obtained which would be of the slightest advantage to the general proprietary or the public. He thought it was not right, that the Government of this country should be placed at the mercy of such a body. As his hon. Friend had almost exhausted the various topics incidental to this subject, he should only trouble the House with one more observation. With reference to the money lodged in the savings' banks, which amounted to twenty-two millions, he thought, that was a subject which ought to be immediately inquired into. Let any one consider what, in the present times of pressure, must be the consequence of any sudden run upon the savings' banks. The Chancellor of the Exchequer had the other night alluded to the deposits in these banks as indicative of increasing prosperity in the working classes. But that increase afforded no test of the state of the working classes, as the great majority of the depositors in savings' banks were people of comparatively affluent circumstances. He had heard of persons who had deposited in those banks sums to the largest extent allowed in the names of every member of their families, for the purpose of deriving a larger amount of interest than they could get by investing their money in Government stock. This was not to be wondered at, considering the fluctuations which had occurred during the last few years in the value of Government stock. In 1825, Consols rated at ninety-four and a-half, in the same year they fell to seventy-seven and-a-half. In the following year they began at seventy-three and-a-half, and in 1827 they rose to eighty-seven and a-half. In 1829, they begun at ninety-four and a-half, and fell to seventy-seven, showing fluctuations of from fifteen to twenty per cent. He thought, that these matters should be looked into; he wished, that the savings' banks should be made what they were intended to be—a benefit to the industrious classes. He was afraid, that we were rapidly approaching the gulf which threatened us when Mr. Huskisson alleged the country to be within forty-eight hours of a state of barter. He thought, that the Representatives of the people were accountable to the people, and should narrowly watch their interests. He thought a Committee of Inquiry should be immediately appointed, and that their duty should be to suggest some means of placing the circulation in a state of greater security than it enjoyed at present.

Mr. *Thomas Attwood* had heard with great satisfaction the observations of his hon. Friend, in nearly the whole of which he concurred; but he wished to say a few words as to an error into which he thought his hon. Friend had fallen. His hon. Friend had attributed the various scenes of distress which had at different times occurred in this country to the conduct of the Bank of England, and that the Bank might have prevented them. In his opinion prevention was impossible under the circumstances. The fact was, that the Bank of England had all along been merely an engine in the hands of Government, and had often been obliged to ruin thousands of families in its own defence. His hon. Friend had accused the Bank of increasing its issues in 1816. Why, if it had not done so, the most powerful imagination could not paint the horrors which would have ensued. In that terrible year a law was passed enabling the Government to borrow six millions, and Lord Liverpool increased the circulation of Bank of England notes from twenty-three to thirty millions. By these means, and by the Bank Restriction Act, the distress of 1816 was averted, and the prosperity of 1817 and 1818 produced. But this prosperity soon passed away, and the Bank was again obliged to produce distress in the country in 1818, 1819, 1820, and 1821, to save themselves. At that time Lord Castlereagh came home from his negotiations, and to remedy the then state of things introduced in one day five monetary measures into that House—one to renew the issue of one-pound notes for eleven years, another to enable Government to borrow ten millions dead weight loan, another for a loan to enable Government to pay off the five per cent. dissentients, and lastly, one to enable the Bank to lend money to the India Company and to land-owners on mortgage. He thought he had now shown that the Bank of England in relaxing the screw, as it had been termed, had not done it, as his hon. Friend seemed to imagine, with a dishonest view of bolstering up its own dividends, but merely as a consequence of the necessity imposed on it by the Government. So far from that, the Bank directors remonstrated with Lord Grenville on the proceedings of Government. In his opinion the Bank directors had always done their duty. He had watched them narrowly, and he had never detected them in making dishonest returns, or in availing themselves of their knowledge to advance their own personal ends. When the Bank directors remonstrated with Lord Grenville, and told him that his acts were bringing the country to ruin, his answer was, "What have you to do with the country? Mind your own business. We are the persons to take care of the country." This was the answer of an ignorant old man to a set of the best-informed men in the country. In 1825, in the panic, the directors consulted Mr. Huskisson as to what should be done in the crisis, and he told them to put a bit of paper over the door stating that they had stopped payment, and would resume shortly. This was the answer of a man so much lauded as a statesman. If the Bank directors had taken his advice, the country would have been reduced to ruin. He then told the directors how the crisis was to be avoided. He told them to get the one-pound notes into circulation, and also to get nine millions of thousand-pound notes ready. He denied that the Bank direction was accountable for the evils that had at different times affected the commercial interests of the country. The Government issued the one-pound notes to remove a pressure, and shortly after Lord Liverpool, by a a gross breach of faith, brought in a bill withdrawing them from the circulation. All he blamed the Bank of England for was, not remonstrating more strongly with the Government. The directors should have said to the Government—" You owe us thirty-six millions, pay us that sum in sovereigns, and then withdraw the one-pound notes." If the Bank directors had used this language the Government would have been taken completely by surprise, as, if they had put the fee-simple of England and of India into the market, they could not have raised the money in twelve months. The Bank directors would have thus prevented a measure which had produced a depreciation of wages and a loss to the industrious classes equivalent to four hundred per cent. In 1837, during the commercial distress, the public press was continually calling on the Bank to restrain its issues, but if they had done so Government could not have got on with the business of the country. The Bank of England had been compelled by the Government to put on the screw. By so doing they had ruined the most flourishing of our merchants; they had deprived thousands of families of bread; and millions of the industrious population of England had in consequence suffered severely. [*Laughter.*] The hon. Member for Leicester laughed at that; if he did, he would not be again returned for that borough at the next election. [Mr. *Easthope*—No, no.] Well, perhaps it was at his manner that the hon. Gentleman laughed. However, the Bank of England was now called on to pull in. It was pulling in. It had raised the rate of interest to five and a half per cent. But why did not the Bank of England then demand from the Government the payment of the debt due to it? The Government owed the Bank of England 30,000,000*l.* Why did they not demand that sum to be paid in gold? Of course the right hon. Gentleman, the Chancellor of the Exchequer would persuade them not to claim such an amount of sovereigns at his hands. But if the Bank listened to the seductions of the right hon. Gentleman, though it might be peace between them, as far as the people were concerned, discord and anarchy would prevail to a thousand times greater extent than it at present did. He was sorry the Bank had taken this course, if he were the adviser of the right hon. Gentleman, he would recommend him to say to the country —" I will relax the screw if the workmen still continue to find prices rise. I will give an order for the one pound notes, and if they cannot be paid in gold I will give you an order for a Restriction Act." Now, he would be bound to say, that that very day, or yesterday, the right hon. Gentleman had borrowed 5,000,000*l.* at least. The Bank had complete power over him, and if they had not lent him the money consols must have been down to thirty. Under these circumstances he hoped the screw would not be put upon the nation. If it were, the result would be a general insurrection in the country. It would not be a touch and go. No such thing. It would be a general insurrection. It had not been his intention to trespass on the House any longer, but really it occurred to him that hon. Members had eyes, but saw not; ears, but heard not; hearts, and they would not feel; heads, and they would not understand. They had been tampering with this matter for years. They had listened to the public press; they had worshipped the dicta of that man of talent, Mr. Huskisson; and at one time nothing would go down but that we were over-trading, over-populating, and over-producing. It was then said—" Only get rid of the surplus food, and don't produce quite so much, and we shall be rich." Just as if we did not want all the wealth we could make, or as if we were like so many flies in a sugar bottle, smothered in our own sweets. Those were the arguments that prevailed from 1816 to 1819. Well, that doctrine did not answer. He was almost ashamed to tell what followed. Lord Liverpool found out, as he thought, what was the real cause of the mischief. Lord Liverpool came down and said, the one-pound notes did all the mischief. So that was rectified. He found, however, that would not do, and when the panic of 1825 came, he said he had found out another secret—that it was not the one-pound notes merely; but, said Lord Liverpool, " You have no idea what a set of men these country bankers are; for what do you think these country bankers in their cunning have done? Nothing less than made a run upon the Stamp Office; But with all their cunning we are too wise, too skilful for them, and we have made the other House give us an Act of Parliament to stop this run." Well, within two short months after this Act was passed, Lord Liverpool came down and said he had found out another secret. The country bankers were the plague of his life; they were always at their infernal tricks; and he had just discovered that they were deluging the country with their provincial one-pound notes. But he, of course, was ready for them; he was up to their tricks, and so he gave the Bank of England six months longer to prevent the country bankers from starving the country. Then the country banking system was attacked, and it was said, what we wanted was the Scotch system of banking. Oh, for the Scotch system! Yes, that was the very *beau ideal* of banking, and so a Joint-stock Banking Act was passed. Well, they had that till 1836, and it did act in relaxation of the rule; for he knew one joint-stock bank which had applied no less than 4,000,000*l.* sterling in the employment of labour. But now, after having blamed all these plans in succession, they began to blame the joint-stock banks. For the last two years they had been blaming their own pets, and what was the consequence? The ruin of thousands of affluent men, and of multitudes of the working classes dependant on them; and now, because they could not turn the screw any tighter, they at last turned round and blamed the Bank of England. Why should they blame the Bank of England? Why forget the simple fact, that for twenty years their laws had been attempting an impossibility—the impossibility of paying off 800,000,000*l.* of standard debt in standard gold, and that to raise the interest of this debt they had imposed strangling taxes on the industry of the country also, to be paid in standard gold? How could the revenue flourish when the industry of England was strangled under the pressure of this infernal screw? They had no right to blame the Bank of England. The real subject of blame was the law. He would support this inquiry, because he was quite sure that if they put him upon the committee, which, by-the-by, he was sure they would not, for they had never put him on any such committee since the manufacturing committee of 1833, when he made all the witnesses prove that what they called prosperity was the payment of five per cent. interest after the entire and irrecoverable sinking of the capital employed by them, so he was assured they would not put him on the committee; and that was the case with the manufacturer now. He never could hope to draw out his capital. It was not so, perhaps, with the agricultural interest to-day, but if the screw were enforced, it would be to-morrow. Let them, therefore, attack the law. As to the Bank of England it had been the mere tool in the hands of the laws, without power to do otherwise than it had done. Well, now he thought he had done all he could for the Bank of England. He did not believe that the Bank of England had in its hands, at this moment 1,000,000 sovereigns. He said so from the documents. According to the last quarter's statement they had 4,500,000 sovereigns, 4,300,000 sovereigns being the average of the three months. Now, knowing the reduction to have been at the rate of 1,000,000*l.* per month, it followed that there were 7,000,000*l.* in the Bank three or four months ago. Take, then, the average between 7,000,000*l.*, the highest, and 4,000,000*l.*, the lowest, and the average result would leave the Bank 2,000,000*l.* It was impossible that the Bank of England could have more than 2,000,000*l.* in their coffers now, unless, indeed, they had gone humbling themselves to the Bank of France, as they did in 1825, when the Bank of France lent them a million of sovereigns, taking our Exchequer bills as securities, with a lien on the British Treasury. If the same thing had not been repeated it was impossible that the Bank of England could have more than 2,000,000*l.* of bullion in its coffers. If it had 2,000,000*l.* part of it was in silver and part in the branches. Now, there were ten branches, and allowing 50,000 sovereigns for each, at the lowest, that left only 1,500,000*l.*, of which allowing, as the most probable proportion, 500,000*l.* to be in silver, they would only have 1,000,000 of sovereigns left in their possession. Under these circumstances they were justified in making efforts to get back the sovereigns. But it was not right that the nation should be the victim of those efforts. Let the Government be the victim. Let them bring down the right hon. Gentleman's salary. Let them confiscate it. Let them confiscate the salaries of his colleagues, but let them not confiscate the property and the industry of the people. Do not make the working classes bear it. Do not let the House encourage the Bank of England to turn the screw more severely. Instead of 5½ per cent., if the Bank would take his advice, they would bring down the rate of interst to 3 per cent. to-morrow. He had no more to say but that he would cordially support the motion of his hon. Friend the Member for Kilkenny, though, could he consistently with the rules of the House have done so, he should like to have extended the proposed inquiry into the Bank of England as at present constituted, by adding the words "under the present state of our laws and monetary system."

The *Chancellor of the Exchequer* said, he should occupy the attention of the House but a very short time, endeavouring to confine himself expressly to the particular question, in place of answering the very loose and discursive speech of the hon. Gentlemen who spoke last. The hon. Gentleman, whether he spoke in attack or defence of the Bank of England, seemed to him to be equally unfortunate; but more especially his defence was so extraordinary, that he was sure the gentlemen connected with the Bank of England would feel it to be their duty to repudiate that defence on the principle on which it was urged. But if the hon. Gentleman had not succeeded in his attempted defence of the Bank of England, he had, on the other hand, brought forward so many new charges against it, that no kind of inquiry would be consistent with his accusation, but a coroner's inquest. He could assure the House that he was not about to follow the hon. Gentleman through the whole of his speech; though there were some of the hon. Gentleman's statements which, if not contradicted at once, and contradicted in the most decisive manner, by those who had the means, might lead, not certainly in that House, but probably in foreign countries, where their debates might be read, to considerable misapprehension. The hon. Gentleman had declared, that the effect of the conduct of the Bank of England, about twenty years ago, was to reduce wages, and the prices of everything that was valuable in the country by the amount of 400 per cent. How the hon. Gentleman could make this out he could not tell, but certainly the conclusion was not founded on the facts which the hon. Gentleman brought forward, or on any facts whatever. Again, the hon. Gentleman took upon him to say, that the Bank could not possibly be possessed at the present of above 1,000,000 sovereigns. This was not only not supported by facts, but it was directly contrary to the facts. Now, he came to the practical subject before the House. He hoped, that neither the House nor the public would conceive, that there was any indifference on the part of her Majesty's Government or any want of conviction of the importance of this subject. He was fully persuaded, that a more important subject than the conduct of the Bank of England, involving, as it did, the monetary concerns of this country, could not possibly occupy the attention of any set of men; but it did not necessarily follow, that because the subject was important, the motion was one which must necessarily create an interest in the House, and the cause of the lack of interest among hon. Members, in relation to this debate, he believed to be because, in the minds of the great bulk of the Members, the appointment of this committee did not appear to be expedient. At the present period of the Session, and in the present circumstances of the country, this, he was persuaded, was the feeling of the great mass of Members. What was the motion itself? They were to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments, and they were more particularly to ascertain how far these transactions produced the alarming crisis of the manufacturing, commercial, and financial affairs of the country in 1825, 1826, and in 1836, 1837; and also to inquire whether, as the Bank of England was at present constituted, there ever could be stability in the currency, or confidence in the commercial transactions of the country. So this inquiry had no limits; it went to include the whole transactions of the Bank, involving the whole question of public credit, as well as the whole of the questions of our mercantile affairs throughout the land; and this too extending itself over the whole course of nineteen years, and including two periods of commercial pressure; the whole concluding with a sweeping inquiry as to how far the present system of managing the Bank of England was or was not adapted to the wants of the country. Why, if ever there was a subject, which, if entered upon, must needs branch into innumerable sources of inquiry, and those of no ordinary difficulty, it was this. But the hon. Member sought to justify himself by saying, that he could assure them that he would not call a single witness before the committee, but that from written documents, and from them alone, in fourteen days he should be able to show the committee the conclusion to which it ought to come. Now, it was easy so to talk. It was quite likely that his hon. Friend, who could apply great industry to any subject, and who had applied great industry to this, might be able to come to a conclusion in fourteen days; but did not the hon. Gentleman think, that whatever conclusion he might come to in that time, would preclude other hon. Members from coming to the conclusion entirely opposite? But if they opened the question at all, would it not require many times fourteen days to determine how it would be necessary to proceed, in order to oppose what might be advanced on the other side; and would it not be necessary to examine witnesses before they could come to a satisfactory conclusion? The impossibility, therefore, of bringing such an inquiry to a satisfactory issue at the present time of the Session, he considered to be a sufficient objection to the motion. But he confessed that he had another objection. The time might come when, previous to making any change in our banking system, a searching inquiry ought to be made into the whole question, of the manner in which the Bank of England has managed the monetary affairs of the country, and on what terms it might be proper to renew the engagements of the country with the Bank. Nor was he prepared to say that under certain circumstances and in certain events it might not be proper to inquire into the whole subject of banking in the country. But if such an inquiry would be proper at any time, it was not so at this time, at a moment when the exchanges are unfavourable, when a considerable diminution had taken place in the bullion in the Bank of England, when the value of money was increasing greatly, and when the effect of stirring the subject would be to impede commercial transactions, and to create great and general distrust and confusion. Last year he had seen no objection to the inquiry, if there were no objection on the part of the Bank. So matters had rested; but it was one thing to undertake that inquiry, had it been commenced in the course of last Session, in quieter times, and it was another to go into the inquiry at a period when it was impossible to bring it to any advantageous result, when they could not complete the inquiry, and when it could not lead to any practical measure. On these grounds he should resist the inquiry. Then, at the close of his motion, the hon. Member for Kilkenny suggested, as a fitting subject for inquiry by a Committee of the House, the general principle of the constitution of the Bank; he purposes to examine whether the constitution of the Bank of England, as at present existing, was or was not likely to conduce to stability in the currency, and confidence in the commercial transactions of the country. With respect to an inquiry into the general principles of banking, though he entertained the highest possible respect for Committees of that House, so long as they confined themselves within their just functions, yet there were matters which he thought could not be very advantageously inquired into before a Committee of the House of Commons: such was the scientific principle which should regulate the banking system. He doubted very much whether the House or the public would ever receive so much information from any report of a Committee of that House as from the writings of men on a subject which they understood, and on which they wrote dispassionately, and which were diffused, commented on, and left to produce their effect on the public mind. Taking, as an example, the question of the establishment of one central and exclusive bank of issue, the most important question connected with the issue of money, or rather the coining of paper money, as important a question as could engage the mind of a man, and the pivot on which this question would hereafter turn; supposing that question to be examined as an abstract theory before a Committee, he asked the House of Commons and the public, whether or not they were more likely to be instructed by the report of that Committee, or by the writings of Mr. Lloyd, Mr. Horsley Palmer, of Col. Torrens and Mr. Tooke, which had been canvassed by public opinion, and brought to the test of judgment and inquiry, and the truth of which theories they had had the opportunities of discovering by their application to practice? Were they not much more likely to profit by the inquiry, if considered as a matter of science by such a discussion, than by the examination before a Committee of the House of Commons? He did not quarrel with the present discussion of the question, because important matters might be thrown out which it might be advantageous to the Bank to take into consideration. There might be valuable suggestions thrown out by practical men, but even in respect to many of these suggestions, he should say, that they were not a matter for discussion before a Committee. There was another important question mooted by the hon. Member with regard to the constitution and proceedings of the Bank of France; but he did not think they would get twenty Members of the House of Commons to look into that question at that period of the Session in such a way as to lead them to any practical results. He should have expected, that when the hon. Member alluded to the Bank of France, he would have alluded to one principle of their establishment, which he thought was an important one, and deserving of imitation. Standing, as he did, in the presence of two hon. Friends of his, who had both filled the office of governor of the Bank of England, he could not be thought to speak disrespectfully of either the one or the other, or of any Gentleman who had filled the office; but when the hon. Member for Kilkenny had spoken of the Bank of France, he thought he might have remarked upon one peculiarity of that establishment; namely, the permanence of the office of Governor. He was for the democratic part of our Constitution, as well as for the aristocratic and monarchical part; but he doubted very much whether democratic institutions were usefully applicable to national banking establishments and whether a system of continued vicissitude and the periodical election of the individual who was to be at the head of the Bank, could be advantageous to the Bank itself, or could lead to its stability. He thought the stability of the Bank of France was secured by the unchangeable nature of its management. Some Gentlemen might think that vicissitudes of political government might be a great benefit; others might think the reverse. But who can defend a periodical change in the government of the Bank of England? He had endeavoured to show, that there were reasons why this committee ought not to be granted. The hon. Member for Birmingham had bestowed his censure in no sparing measure upon some of the highest names connected with the finances of the country. It was not for him to vindicate them; their names were a sufficient vindication; but there was a principle involved in his censure which he thought could not be too strongly disclaimed on the part of the Government. The hon. Member said, "Lord Grenville had behaved in the most cruel and hard-hearted manner to the Bank; he told them not to interfere with the business of the country; but to mind their own business," and the hon. Member said this was cruel. The hon. Member had also said the same of Mr. Huskisson. If there were one principle more than another which ought to be adhered to, he thought it was non-interference with the affairs of the Bank. If the Bank got into difficulties, and trusted to the Government to extricate them, if they looked to the Government to allow them to issue 1*l.* notes (the hon. Member's wild wish), if they expected, that Government should be ready to come down with a Bank restriction, and should extricate them from all difficulty — if that were the principle of government advocated by the hon. Member, and Lord Grenville and Mr. Huskisson were to be blamed for not taking that course, he must say, that the hon. Member understood the principles of government very differently from his understanding of them, and the hon. Member called on the Government to take a step which he should be very sorry to advise. A statement had been made by the hon. Member for Coventry, with regard to the savings-banks, on which he thought it right to undeceive the hon. Member and the public, as that again was a very important and most delicate question. The hon. Member had said, but he was sure had said it inconsiderately, and that on reflection, he would confess, that he did not mean what his words implied, he had said, that he thought it the duty of that House and the Government to do away with the savings-banks. [Mr. *W. Williams*, first inquire into them.] The hon. Member then went on to say, that the principle of the savings-banks was, in previous times, misapplied, and that parties took an improper advantage of the system. Suppose he were to admit to the hon. Gentleman, that in some instances such might be the case, by the present limitation of the amount of deposit, this abuse could not go to any extent. He had before him the returns contained in the last volume of statistical tables, and he found, that with respect to England, the total number of depositors in savings - banks were 506,273, and that amongst that great number of depositors there were only 2,936 who held 20*l.* each in the savings-banks. Now, was it not quite clear to the hon. Gentleman, that the system of fraud of which he spoke could not exist to any great degree, when out of 506,000 depositors, only 2,900 deposited the extreme amount allowed? It was perfectly clear, that the hon. Member was under a mistake. The hon. Member for Kilkenny complained of the operation of the West India loan. The plan he had adopted for paying off the last portion of 5,000,000*l.* of that loan was by creating stock, and transferring the stock to the parties according to their relative interests. If that plan had been adopted with the previously raised 15,000,000*l*., there would have been no disturbance in the money-market, all would have gone on as quietly with respect to the 15,000,000*l*. as it had done with respect to the 5,000,000*l*. He ought not to be taxed with the consequences of this loan. He was compelled to make it by a law passed before he filled his present office. He had no choice. He had shown, that the proposed inquiry could produce no good; he had shown, that it involved the transactions of the last twenty years, and that an inquiry at this time could produce no practical benefit. He had not volunteered the defence of the Bank of England; there were those in the House who were responsible for the Bank, and who were more competent to speak to their conduct than he was. He did not say that the Bank, any more than any other institution, was infallible; the directors were liable to faults; he would in conclusion, take upon himself to repeat, that no inquiry could be entered into now with any practical advantage, and he put it to Gentlemen connected with commerce generally, whether they could believe that this inquiry could be entered into and left incomplete without producing inconvenience to the public interests.

Sir *J. Reid* said, four hours and a-half had been consumed in this debate, and he had never passed that space of time more uncomfortably. Many complaints had been made against the Bank of England; he regretted that those complaints were so general, but considering where they arose, he really felt less on the occasion than he should have felt had the complaints arisen from other sources. He was quite sure the House would not wish him to go into any details at that time of the night, because he should in all probability have to go back to a very distant period. But at the same time, as complaints were made with reference to the circulation of the Bank, and as an hon. Member had stated it to be the cause of the distress which existed, he had got an account of the circulation of the Bank of England, being the average of six years from 1833 to 1839, ending at the 5th of April in each year, which he would read to the House; and it was a curious circumstance to observe the closeness with which the various amounts approached each other. On the 5th of April, 1833, the amount of circulation was 18,900,000*l*.; in 1834, 18,900,000*l*.; in 1835, 18,500,000*l*.; in 1836 18,400,000*l*.; in 1837 18,300,000*l*.; in 1838 18,300,000*l*.; in 1839 18,400,000*l*. He thought that on showing the closeness to which the circulations in these respective years came, there could be no complaints made that the Bank had been the cause of any overtrading by its issues, although his right hon. Friend opposite, if he might be allowed to say so, had attributed in a very great measure to the excess of issue the overtrading which had taken place. He had got the average amount of circulation for thirteen weeks previous to the above mentioned dates, taken before April, 1833, to April, 1839, in each year, and, without troubling the House with going into particulars, the amounts were 19,300,000*l*., 19,600,000*l*., and so forth; and came so closely to each other, that with all their disposition to find fault they had not the opportunity of doing it. Then, he took also the average amount of each year ending the 5th of April, beginning at 1833, and ending at 1839, and the amounts were 18,200,000*l*. 18,600,000*l*., 18,500,000*l*., and so it went on, and the difference was so small as to be scarcely worth notice. There was an observation which the hon. Member for Kilkenny had taken the liberty of making, at which he had felt excessively annoyed. The hon. Member for Kilkenny had said (he had taken it down in writing to prevent mistakes), "that the Bank directors in the course they had pursued were instigated by private interests." Now, he did most unqualifiedly and respectfully, but at the same time wishing the hon. Member to feel it, throw back that imputation with scorn. He thought it his duty at his time of life, and with the experience he had had [*Hear, hear!*]—yes, he would repeat, at his time of life, and with the experience which he had had, after living on terms of intimacy with twenty-four as honourable gentlemen as were to be found in this kingdom, not to allow any hon. Member to make a statement of that sort to produce an effect in that House, or in the country, by asserting for a moment that any individual of that court was instigated by private motives. There was another remark which the hon. Member had thought fit to make, and which he (Sir J. Reid) would take the liberty also of setting him right upon. The hon. Member, said that he had reason to believe, that the bullion in the Bank amounted only to 3,000,000*l.*; now that was not the fact. He was not going to tell the hon. Member what bullion there was in the Bank. He had said that during 1836, when difficulties existed in the commercial world, he considered the Bank in a difficult position; but he thought it only a passing cloud; he said so now. It was his firm conviction and belief that the present difficulty was a passing cloud, and that this cloud which overhung them had not been produced by any act of the Bank, but by nothing more nor less than by the balance of trade being against the country. He knew, as a merchant, that the trade of the country was improving; he knew also, that as the exports increased the money would be returned; and he had no more doubt—no more anxiety—about seeing everything rectified than he had of seeing the sun rise to-morrow morning. There was another inaccuracy in the statement of the hon. Member for Kilkenny in his taking the amount of circulation. He had taken it at different periods when the dividends were paid; but the hon. Member's object ought to have been to take the averages, instead of which he had made a gross error in taking the amount at the period he ought not to have selected. After the very disagreeable discussion—he could not help calling it so—which had taken place, and he regretted exceedingly that he was one of the very few concerned in that evening's debate; but at the same time he did not hesitate to say that the Bank of England Directors were not in any manner nor in any way to be blamed. He must say, that he was convinced and satisfied that before the Speaker left his Chair, which in all probability he would be glad to do in a few days, that all would be right again. If he had said anything to annoy the hon. Member for Kilkenny he should be very sorry for it, but he did not like the hon. Member's assertions to go forth to the country, alarming people for no cause whatever, and he had thought it right and fair, and proper, in his situation, as Governor of the Bank of England, to make known their feelings, and he was satified that all who were competent to judge thought as he did.

Mr. *Grote* wished to say a few words for the purpose of explaining why he could not support the motion for inquiry of his hon. Friend. He was one of those who believed that a committee of inquiry would be attended with very salutary and valuable consequences; for he thought there was much in the conduct of the Bank which provoked inquiry, much for which the Bank was really to blame, and a great deal more that the Directors were censured for because their conduct was not perfectly understood. In all these points of view he thought a committee would be useful; but he could not conceal from himself, that at this period there was no hope of a committee prosecuting this inquiry with the least chance of arriving at a satisfactory conclusion. If his hon. Friend had made his motion at an earlier period of the Session, he should have lent him his best support to obtain the committee he now asked for; and he could not help thinking, that all the experience which they had had of former committees confirmed the view of his hon. Friend and his own as to the usefulness and instruction which the country derived from such inquiries. He was quite sure, that the committee of 1832 excited more discussion, and disseminated more sound and proper notions on the subject of the currency, than any writings or pamphlets could effect; and although he quite agreed with the right hon. the Chancellor of the Exchequer as to the superiority of pamphlets and such works for the purpose of deciding conflicting opinions on the currency, yet the right hon. Gentleman must recollect that there were a great many important documents, a great many facts and statements, which could only be brought out before a committee. Until the committee of 1832 sat, was there ever such a large body of facts, or so much concentrated evidence collected as would lead the public to arrive at a just conclusion on the subject of the currency. Besides, the committee of 1832 was attended with this important point, that it induced Mr. Horsley Palmer to lay down the principle according to which, in his opinion, the circulation of the Bank ought to be managed. That most important principle of management had, he was sorry to say, been greatly and unwisely departed from since; and one reason which would induce him to support the nomination of a committee, if the motion had been made in time, was, that the conduct of the Bank directors may be fully and fairly canvassed, to be subjected to blame where it deserved censure, and to be explained where a good reason could be assigned for their proceedings. His hon. Friend had brought before the House a number of very valuable facts and statements, in the long speech which he had made. His hon. Friend had particularly referred to the maintenance of a uniform rate of interest by the Bank of France as contrasted with that of England. It seemed to him, that nothing was more unreasonable than the maintenance of a uniform rate of interest. One of his complaints against the Bank was, that it tended too much towards an unfair rate of interest, and that it was unwilling to make use of that bill, passed specially at its instance, for the purpose of saving itself, when the safety of the currency required such a step. His hon. Friend thought, that the Bank had exhibited too great anxiety to maintain large dividends by increasing the circulation. He really believed, that the directors were not blameable to the extent charged, but he did believe they did not apply themselves to contracting the currency as early as they ought. It was very natural that the directors, being merchants and interested like all around them in having the money market easy, should be prevented by their sympathies from checking the drain of gold at first, and should hesitate to proceed to a proper extent when more harsh measures became necessary. His hon. Friend had also alluded to the fixed bargains made between the Bank and the joint-stock banks. He believed these bargains had the unhappy effect of depriving the Bank of that control over the circulation which it ought to enjoy, because, when called upon by the necessities of the country to contract the amount in circulation, the directors were restrained by these demands from the country banks, which they could not resist. His hon. Friend wished to limit the business of the Bank to bills of exchange, and to exclude Exchequer Bills. If the security was equally good, he was perfectly indifferent to its nature, but if his hon. Friend should substantiate the charge that the circulation was increased beyond what it could fairly bear, in order to accommodate the Government, he should assent to his views. But, *per se*, he thought one security as little objectionable as the other. The continuance of the present drain illustrated in a forcible and painful manner, the mischievous working of those Corn-laws to which the attention of Parliament had been so earnestly called. He recollected, that in the observations which he had addressed to the House, he dwelt particularly on the impending risks which then threatened the commercial world, a drain being perfectly inevitable from the working of that system, pernicious in this as in every other respect. He knew that there was a great difference between a wise and a badly managed system of banking; but he thought that the Bank and the joint-stock banks were much more largely blamed than they deserved for causing commercial distress.

Mr. *W. Attwood*, expressing, as he believed, the opinion entertained by the commercial community in general, entirely acquitted the Bank of England of the imputation of having, in any degree, been influenced by motives of private interest. The directors of the Bank of England were men chosen from amongst the most eminent of the mercantile body—were accustomed to the vicissitudes of trade, and knew its wants; they were, therefore, as capable as any men of properly directing a great establishment like that over which they presided; and he firmly and thoroughly believed, that they were not justly liable to the imputation which had been thrown out against them of being influenced or governed by motives of private interest. With reference to the present motion, although he was not prepared to support it, he must, nevertheless, say that he thought the House was indebted to the hon. Member for Kilkenny for giving them the opportunity of discussing so important a question at the present time. He must further say, that he thought no charge could properly be brought against the hon. Member, either as to the form of the motion itself, or to the period at which it was brought forward. The Chancellor of the Exchequer had observed, that an inquiry of the nature proposed would only tend to create mistrust, injury, and doubt, and to add to the doubt and despondency which now unfortunately hung over the commercial world. He could not assent to that proposition; he did not believe it to be accurate. If the period were one of considerable commercial embarrassment, it appeared to him that that fact rendered it fit for the House to take immediate cognizance of the circumstances which had led to that embarrassment, rather than allow the session to close without making any inquiry at all. The only embarrassment that could possibly arise from an investigation would result from the disclosure of this fact, that there was not in the coffers of the Bank of England a sufficient supply of bullion. But if, as the Governor of the Bank (Sir J. R. Reid) had informed them, there was no deficiency in the supply of gold, then he could not conceive what possible harm could result from the inquiry. He thought it the duty of the House to consider at once what the difficulties were in which the commerce of the country was placed, rather than to turn their faces from the impending danger, and to wait until they were actually plunged into the abyss of misfortune before they considered the means of extrication or relief. To show what was the present position of the commercial affairs of the country, as connected with the proceedings which the Bank of England had thought it necessary to adopt, after the drain which had taken place upon its bullion, he would read a short passage from a pamphlet, called "the Banker's Circular," which had been much referred to by Gentlemen on both sides of the House, and which in the mercantile world was considered a very high authority, as containing the correct expositions of banking affairs in general. The statement in the Banker's Circular on the 21st of June was to this effect—

> "We have made very diligent inquiry as to the state of business amongst commercial men, bankers, bill-brokers, &c., and we find this to be the fact, that the Bank of England refuses to discount bills which come through the medium of Joint Stock Banks, or speculators in corn or cotton: these commodities, as well as colonial produce, were marked for reduction."

Now he prayed the House to bear in mind for a moment the import of the observation "these commodities are marked for reduction." He begged the House to consider for a moment the meaning which that expression conveyed to every merchant who had any dealing in these commodities. It meant this, that upon the stock which those merchants held they might anticipate a loss of 15, 20, or 25 per cent. It meant that the Bank of England had come to the decision that, in order to save the commerce of this country, it was necessary there should be a fall in prices: to what extent that fall was to go was another question. It appeared, however, that the means taken by the Bank of England to produce a fall of prices were especially directed against corn and cotton. He would ask the Governor of the Bank whether that was not the fact?—whether it was not especially the intention of the Bank to produce a fall in the prices of those two commodities? [Sir *J. R. Reid:* I assure the hon. Gentleman that the Bank had no such intention.] Then he understood the hon. Gentleman that it was not the intention of the Bank to apply to those commodities any regulations which would not equally apply to other commodities. He was glad that the Governor of the Bank of England had made that declaration, because an impression to the contrary had prevailed to a very great extent amongst commercial men, and had been circulated in every newspaper in the metropolis. He was glad, therefore, that the Governor of the Bank had taken the opportunity of contradicting it. There was, however, another impression very prevalent in the mercantile world, namely, that the Bank of England had imposed a restriction upon the discount of bills connected with joint-stock banks. He apprehended that that was a fact which admitted of no doubt or discussion. The rule adopted by the Bank of England he believed to be this—that no bill, however great or undoubted its validity, presented to the Bank for discount, should be discounted by them if it bore upon its back evidence of having passed through a joint-stock bank. He called upon the House to consider the position in which the directors of the Bank of England were placed in reference to these joint-stock banks. They stood in the position of rivals, and it had been imputed to the directors of the Bank of England, that they regarded the joint-stock banks as likely to become competitors for that peculiar circulation which hitherto had been their exclusive privilege. Such being the case, it was found that the Bank of England, at a moment when it was pressed for bullion, considered itself compelled to adopt towards those rival banks measures which they, as competitors, would regard as almost personally hostile to themselves. He was convinced that the Bank of England was influenced by no such motive; but a suspicion that it was, would certainly be the result of its mode of proceeding. When the House saw the Bank of England compelled to adopt measures of so forcible a nature, and threatening to adopt others of a still more forcible nature; when the House saw the difficulties of the position in which the regulators of our circulation found themselves placed; then might the House judge for itself, whether it were or were not expedient that these matters should be brought under consideration; whether it were or were not proper that the House should have the opportunity of examining into them. The Chancellor of the Exchequer opposed the appointment of a committee; first, upon the ground that it would serve only to create doubt and mistrust; and secondly, because it was a pity to discuss these topics now, when the subject of the renewal of the Bank Charter would come under the consideration of the House at no more distant period than the year 1842. Were the three intervening years of no importance? Upon a matter so delicate, so important, was a delay of three years of no consequence? Because an inquiry would necessarily take place in 1842, did it therefore follow that there should be no inquiry meanwhile? Because difficulties were found to exist in 1839, was no remedy to be devised till 1842? With respect to joint-stock banks, it was impossible to know what might arise. It was supposed that greater security was afforded to the public by the registry of the proprietors of these banks than by private banks. But a case had recently arisen which gave a different character to this matter. Parties had gone to the Stamp-office and found names enrolled as proprietors who denied all liability. They admitted that they had applied for shares, and that shares had been assigned to them, but they had never paid any deposit, and therefore had never incurred any liability. Thus the public had no longer any confidence that the parties enrolled at the Stamp-office were proprietors of those banks. He mentioned this to show the difficulty of legislating upon subjects of a novel character; which, when brought into practical operation, presented difficulties that were almost impossible to be anticipated. It was always impossible to lay down any positive direction to insure the proper action of a new system; t therefore became highly essential on the part of the Government, when they thought fit to introduce new bodies of persons acting upon novel principles, to keep an eye upon their proceedings, and be prepared to adopt such regulations as might be found from time to time expedient. While speaking on this subject, he would advert for a moment to a principle which had been recently met by the Bank of England, and by those who thought proper to interfere with its proceedings—he meant the principle of publicity. One of the greatest improvements which it was thought could be introduced, was the principle of publicity in the accounts of the Bank of England. It was said, that when the Bank of England was required to publish an account of its circulation, securities, deposits, and bullion, the effect would be to render it impossible that any difficulty would again take place in the circulation of the Bank, and any necessity arise for the Bank to introduce measures for the contraction of the currency. But had that effect been produced? The House would remember that when the committee sat on the subject of the Bank Charter, a prediction was given by one of the most important, experienced, and influential witnesses who were examined before it. He alluded to no man of speculative opinions, but to Mr. Rothschild, the greatest practical banker in this country. He was examined on this question of publicity, and was pressed very hard by the committee to give his sanction to the principle. His answer was—

> "It may be very well for the Bank of England to publish their accounts, while they have a stock of bullion amounting to ten millions—being one-third of their liabilities; but for my part, I should be very sorry to be the Governor of the Bank of England if I had to publish an account of the Bank when the stock was below five millions, because I should then be under very great apprehensions of stopping payment; unless I had in my pocket at the time an order of the Chancellor of the Exchequer to stop my issuing any more bullion when that period arrived."

It was an objection to the motion made by the hon. Member for Kilkenny, that it embraced too long a period, and that the inquiry would be too extensive. He thought that if there were any inquiry at all it ought to extend over a long period, because, during the last fifteen or twenty years many new measures had been adopted, the effect of which it was predicted would be to prevent those violent fluctuations in the circulation that had previously occurred, and the consequences of which they had so much reason to apprehend. Yet, notwithstanding every measure that had been adopted—notwithstanding the publication of accounts—notwithstanding the abolition of one pound notes, and the establishment of joint-stock banks; and, notwithstanding the last and most favourite measure of all—the making of the Bank of England notes a legal tender—fluctuation had been as frequent—danger as great, and the consequences as mischievous as when they first entered into this career. The hon. Member for Kilkenny had, therefore, strong grounds for imagining that some blame might be attributable to the Governor and Directors of the Bank of England; and if it were not expedient during the present Session, to enter into the inquiry he proposed, yet he thought the House ought to bear the subject in mind, and at a future period take it fully into consideration.

Mr. *Clay* hoped that the House would indulge him while he stated the reason why he could not support the motion of the hon. Member for Kilkenny. He disclaimed attributing misconduct to the Bank of England, but there could be no doubt, he thought, in the mind of any man that, in their character of directors of a great commercial body, very great mistakes had been committed by them in the management of the currency. To recur, for instance, to one great period, he could not conceive that there was now any doubt that they exceedingly misunderstood their own position and the aspect of affairs in the year 1824, and the early part of 1825. Again, in the year 1836, he thought they did not, at a sufficiently early period, take warning of the signs of the times. They also, in the same year, committed a great oversight in those fixed bargains which they made with the joint-stock banks. He was the more inclined to notice that point, because it was one to which he himself, in moving for a committee on joint-stock banks in 1836 particularly called the attention of the House. So, again, during the past and present year, the existence of the demand of foreign corn was not sufficiently regarded by them. But it was because he thought these matters were already sufficiently known, that he considered the motion of his hon. Friend unnecessary, especially when he had told them that it was not his intention to call any witnesses. He thought the errors of the Bank of England were attributable to the inconsistent functions it had to discharge. It was impossible that one and the same body could act as bankers and as conservators of the currency of the country. On the one hand, they had to consult the interests of the proprietors, and, on the other, the interests of the public. Now, it was impossible that the two interests could coincide. They were almost necessarily opposed to each other. It was often the interest of the public that the currency should not be extended, while it was invariably the interest of the proprietors that it should be. Again, as men of business and as merchants sympathizing with the interests of the commercial body to which they belonged, it was almost impossible that they could properly and wisely discharge their functions as conservators of the currency; because, when it was proper for the public interest, that they should contract the circulation, there was almost always an absolute demand upon them to enlarge it. His hon. Friend had stated the inconvenience arising from the conduct of the Bank, but he had not indicated a remedy. He therefore, on the whole, concurred with the Chancellor of the Exchequer that little good could possibly result from the appointment of a committee of this nature, particularly at this late period of the Session. He thought the judgment of the public on these matters was at length taking a right direction. He believed that the judgment of the public at large was, that the charge of the currency was too vast and too important to be confided to any body of men, whether corporate or joint-stock banks. He believed that the public were begining to feel that a function so important as that of taking care of the currency, on the right discharge of which not only the prosperity of the country at large, but the fortune of every individual it might be said in a great degree depended, ought not to be left to any men or body of men, but ought to be left to the control of the supreme authorities. Whatever benefit or advantage there might be accruing from the substitution of paper for gold, as a currency, ought to belong to the people. When the time should come for discussing the question of the renewal of the Bank Charter, he trusted it would be perceived, that it was out of the power of the Bank of England properly to take charge of the currency, but equally out of the power of either private or joint-stock banks to exercise any salutary influence or control over it.

Mr. *Easthope* would only occupy for a short period the time of the House, after its attention had been so long devoted to the discussion of the motion of his hon. Friend, and after the natural impatience which had been expressed by the Chancellor of the Exchequer to proceed to the other business of the night: still, he could not suffer this question to pass without making one or two observations upon it. He should make no profession of eulogising the directors of the Bank, nor should he follow the example of the hon. Member for Birmingham in arraigning them as the authors of the sufferings of individuals, of the most extreme and aggravated character that it was possible to describe. The hon. Member had thought proper to notice a smile into which he was betrayed. If that hon. Gentleman was not conscious of any other cause that could excite a smile than the woes and sufferings which he depicted and deplored, then he must, at once, own his disinclination to supply him with what he should certainly have thought had been a more obvious and intelligible cause. He deeply lamented, that a question which ought to be regarded apart from all personal considerations should almost always be mixed up, not only with expressions of great apprehension on the part of the directors, but with feelings of injustice towards them, and with imputations upon them that were most undeserved. So far as his knowledge of those gentlemen went, he did not think there could be found in the city of London a like number of men who would more honestly discharge the duties that might devolve upon them. For his own part, the objections he entertained were not against the personal conduct of the Bank directors, but againt the system of the Bank. To that system he was most determinedly opposed. He considered the directors to be placed in a most anomalous situation. He hoped it would not be long before he should have the satisfaction of hearing, that even the Bank directors themselves refused to continue in a position in which it was impossible that they could discharge their duty to the Bank proprietors with justice, and their duty to the public with safety. He had always considered that the Bank directors ought to be only bankers; that they might be able to do their duty to the proprietors by all fair means, and realise the greatest profits they could by fidelity and diligence. But they were placed in a situation which often required them to overlook and to oppose those interests—they were placed in a situation in which they were called upon to make great sacrifices. Was it wonderful, then, he would ask, that, pressed as they were by the individuals by whom they were surrounded—by the desire to promote the interests of the proprietors—by the knowledge of and the regard they entertained for those men with whom they co-operated every day, they should be led to mistake or overlook the great public duty imposed upon them —that of regulating, faithfully and properly the currency of the country? He believed that the time was coming when, as his hon. Friend, the Member for the Tower Hamlets had stated, the country would begin to feel and to understand the effects of the hot and cold fits to which it was every now and then subject, and the true causes of the sufferings which had been so strongly described by the hon. Member for Birmingham, but which causes seemed to be so little understood by that hon. Member. He was anxious to see all such debates, as the present, take a practical turn, and he trusted that it would lead hon. Members to inquire into the manner in which the state and condition of the Bank was communicated to the public. He would ask, whether this was now done in that practical form which was calculated to produce the greatest amount of public good? The hon. Member for Greenwich (Mr. W. Attwood) had referred to the opinion of a gentleman distinguished for his keenness, and for his extraordinary sagacity in the money market, and who had strongly objected to the plan of a clear and faithful publication of the condition of the Bank. Could they doubt, however, that Mr. Rothschild had certain and quick information on the subject, not necessarily from any corrupt method of obtaining it, but from his shrewdness, his intelligence, and his attention? Who could doubt his habitual knowledge of the actual quantity of gold in the Bank? And was there any doubt that he regulated his commercial transactions and the business of his office by that knowledge which it was competent for such a man to learn; every man of industry and care ought to have an opportunity of knowing and of regulating his own business by the same means. He wished to see every merchant who would take the pains able to watch the amount of the bullion in the Bank as easily as the time by the clock. Mr. Rothschild had done so, and he had succeeded. How many individuals were there with fair intelligence, and possessing faculties and facilities which ought to make them successful, who, by overlooking this, had been brought to ruin! Was the present a system of publicity which the public could understand without a great degree of attention and sagacity not ordinarily found at the Royal Exchange? He believed not. If there was to be useful publicity, ought it not to be as plain as possible, so as to enable all to understand it as well as a person of the extraordinary keenness which characterized Mr. Rothschild? He hoped, that even before the year 1842, if the House should come to an agreement as to the inadequacy of the present hocus pocus system of a three months' average publication for public security—if they saw that it was calculated to mislead a man of ordinary sagacity—that its mystery excited fear and apprehension, instead of inducing care and vigilance—if such should be the general opinion, he hoped the Bank would offer no objection to the adoption of a plan so clear and so simple that any merchant might understand it as constantly and readily as he would learn the hour of the day. With regard to the expansion and the contraction of the currency, the hon. Member for London (Mr. Grote) had, he believed, explained this in a manner which admitted of no refutation. No doubt the Bank directors, even in the steps of contraction they had recently taken, had had many struggles and much conflict before they came to that decision. How often had the country suffered from such delays? He did not impute this to any corruption, but it was the natural consequence of the feelings which beset men situated as the directors were. The regulation of the currency ought to be intrusted to men who had nothing else to do; the managers of the currency ought to have no other duty to discharge—they ought to be responsible to the public and to the public alone; and he hoped that the time would shortly come when it would be found impossible to invest with the control of the currency any persons engaged in business, however competent they might be. The present functions of a bank director were incompatible: the bank of England could not, with security to great public interests, be at once a bank of issue and a bank of deposit. The more frequently this subject was discussed, the oftener it was submitted to the test of inquiry, the sooner would the House arrive at a sound conclusion; the discussion would lead to great public good, and the evils inflicted on the country would be removed. The object of his hon. Friend, the Member for Kilkenny, was to invite inquiry. If his hon. Friend should press his motion to a division, he should feel it his duty to vote with him, although he concurred in thinking, that the short period of the Session now remaining would scarcely furnish time sufficient for a full and fair inquiry. He ventured to suggest, that his hon. Friend should look rather to inquire at an early period of the next Session, and then so frame his motion, that every thing which surrounded the question should be closely examined, that the sufferings of the people from this source should no longer be permitted to endure, which he could scarcely anticipate until the House of Commons should come to the consideration of the question with that solemnity which the subject demanded. He could not sit down without referring to the opinion of the Governor of the Bank of England, that the cloud which now lowered over them was but temporary. He hoped sincerely, that such might be the case. It was certainly true, however, that this cloud could not pass away till the price of commodities was reduced to such a level as to bring back the gold. Whether the Governor of the Bank was in possession of any peculiar knowledge upon this point, he could not tell, but he hailed the expression of his hope of returning security with the greatest pleasure. The price of commodities must, however, be reduced by the conduct of the Governor and his colleagues to a limit that should bring foreign purchasers to our markets, and this reduction must be made, whatever individual suffering it might create, and whatever the consequences to innocent parties might be. He was sure, that this was not a situation in which the directors of the Bank would wish to be; and he hoped, therefore, to see the day when these Gentlemen themselves would seek to be relieved from the anomalous position in which they were now placed.

Mr. *E. Turner* was understood to support the motion of the hon. Member for Kilkenny, though he feared it was too late for inquiry this Session. He was not aware till this evening, that so much injustice had been done by the Bank of England.

Mr. *Wallace* would vote for the motion of the hon. Member for Kilkenny with the greatest satisfaction, and the more so, because the hon. Member had, on two former occasions brought this subject under the consideration of the House, and because on each occasion he had been told, that the proper time was not come. It had been said, that the Bank directors were attacked, but such was not the case. They attacked the system of the Bank, and not the directors, and that attack he thought was not made without good grounds. The directors were, he believed, highly honourable individuals, but they were only men and merchants, and they must feel as men and merchants. The whole system, in his opinion, was bad, and it was high time to commence an investigation into its operation with the view to apply a remedy. If a committee were granted, he was sure the hon. Member for Kilkenny would, in the few weeks of the Session which remained, make out such a case as would create a strong feeling in the country, and force the Government to place the currency in a sound state. He should therefore give his vote in favour of inquiry.

The House divided on the original question, that the Order of the Day be read:—Ayes 93; Noes 29: Majority 64.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Attwood, W.
Baines, E.
Baring, F. T.
Beamish, F. B.
Berkeley, hon. C.
Bernal, R.
Blackstone, W. S.
Blair, J.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Cave, R. O.
Clay, W.
Clerk, Sir G.
Courtenay, P.
Currie, R.
Dalmeny, Lord
Darby, G.
Douglas, Sir C. E.
Eaton, R. J.
Egerton, Sir P.
Ferguson, Sir R. A.
Filmer, Sir E.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Herries, rt. hon. J. C.
Hinde, J. H.
Hindley, C.
Hobhouse, rt.hn.Sir J.
Hodgson, R.
Hogg, J. W.
Hoskins, K.
Hotham, Lord
Howard, F. J.
Hughes, W. B.
Hutton, R.
Ingestrie, Viscount
Inglis, Sir R. H.
Kemble, H.
Knightley, Sir C.
Lushington, rt. hn. S.
Mahon, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
O'Ferrall, R. M.
Ossulston, Lord
Palmer, G.
Parker, J.
Parker, M.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Praed, W. T.
Pryme, G.
Reid, Sir J. R.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Shaw, rt. hon. F.
Sibthorp, Colonel
Smith, J. A.
Spencer, hon. F.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Style, Sir C.
Talbot, C. R. M.
Tennent, J. E.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W. A.
Wyndham, W.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Blake, M. J.
Chalmers, P.
Darlington, Earl of
Duke, Sir J.
Easthope, J.
Ewart, W.
Fielden, J.
Finch, F.
Hector, C. J.
Jervis, S.
Langdale, hon. C.
Marsland, H.
Muskett, G. A.
O'Brien, W. S.
Philips, M.
Redington, T. N.
Roche, E. B.
Salwey, Colonel
Scholefield, J.
Sinclair, Sir G.
Somerville, Sir W. M.
Thornley, T.
Turner, E.
Turner, W.
Vigors, N. A.
Williams, W.
Wood, G. W.

TELLERS.

Hume, J.
Wallace, R.

Order of the Day read.

House went into Committee of supply, and several sums were voted.

House resumed.

CONTROVERTED ELECTIONS.] On the motion of Sir *Robert Peel*, the Controverted Elections' Trial Bill was read a third time. He said, that in the instance of the Ludlow election a petition had been presented against the return, and he had been informed that the sitting Member was inclined to defend his seat. As the Committee might, under the present law, not be appointed for thirty days, it was very probable that no Committee might be appointed to try the petition during the present session. He had, therefore, provided for this case by a clause in which it was enacted that the recognizances should be held to be valid, but that the committee for trying the petition should be appointed under the new law.

Clause brought up, and added to the bill by way of rider.

On the question that the Bill do pass,

Viscount *Mahon* said, that he did not rise to raise any discussion upon this subject. He had already fully stated his opinions upon it, and while he admitted that the bill was a great practical improvement, and felt bound to express what he was sure was the general sense of the House, that the country was greatly indebted to his right hon. Friend for the pains and attention which he had bestowed upon the bill, still he was obliged to say, that any measure which did not remove the trial of election petitions from the jurisdiction of that House would not, in his opinion, be successful. He owned, he hoped, that if his anticipations were well founded, those gentlemen who had taken an interest in this measure would exert themselves hereafter to secure what ought to be their prominent object—an impartial and just decision. His object, however, in rising, was to call the attention of the House to a part of the subject which had not been noticed in the discussions which had taken place, and upon which the opinion of the House should, he thought, be expressed. The question to which he referred was, whether the evidence taken before an election committee ought or ought not to be printed. Now he thought, that if the House would consider what was the present practice with regard to this point, they would find it was very far from satisfactory. The general rule was, that the evidence should not be printed, but whenever one party thought that a decision of a committee was unfair, a motion was made that the evidence should be printed. As a matter of course, no opposition was offered, and, therefore, sometimes the evidence was printed, and sometimes not. He thought, therefore, that it was very desirable the practice should not be kept in this anomalous state, and he was sure, that if the Speaker would throw out any suggestion to the House, it would be received with all the respect which was due to his high character and eminent station. He declined offering any suggestion himself, but he should be glad to hear and to consider any that might be thrown out.

Sir *R. Peel* thought that the best course would be, to leave this question to be settled by the circumstances of each particular case. There appeared to him to be no reason for printing, as a general rule, the voluminous evidence taken before election committees, but at the same time, if any body suggested that the evidence might afford important precedents, or if there was any suspicion of abuse, a motion might be made for printing the evidence. He recollected that he had proposed last year to print the evidence in all cases, but he was deterred from that course by the consideration of the enormous expense which it would entail without any proportionate advantage. He did not take the same view of this measure as his noble Friend. Nothing could have been more fair than his noble Friend's opposition to the measure, or more able than the manner in which he had conducted that opposition. At the same time, he had a strong impression that the bill would be successful. When Members were placed in a judicial position, he had good reasons for believing, *à priori*, that they would act with impartiality, and he was strongly confirmed in that opinion by the conduct of the selected Members on private committees. But there were other considerations which weighed with him. He thought that if that House had pronounced its own condemnation, and had devolved upon a legal tribunal those functions which he wished to preserve for election committees in the same year in which the Court of Queen's Bench had denied the House the privilege of printing their own papers, it was impossible to say what an effect might not be produced upon the opinions of the people with respect to that House. He was as much opposed as he had ever been to encroachment, by a popular assembly, upon the privileges of the other branches of the Legislature; but he would contend with the same zeal and earnestness for the privileges which had hitherto belonged to the House of Commons, and he should deprecate any course of conduct which would be equivalent to parting with those privileges, and devolving them upon an extrinsic authority.

Bill passed.

COPYRIGHT.] The Order of the Day having been read for the House resolving itself into Committee on the Copyright Bill, Mr. Sergeant *Talfourd* said, that he had conferred with those whose assistance he had received in the conduct of this measure; and they had concurred with him in opinion, that, considering the opposition with which the bill was threatened, and the state of the public business at this late period of the session, however anxious they were to proceed with it, they could not entertain any reasonable hope of carrying the Bill through the House of Commons at such a period, and asking the House of Lords to proceed to legislate upon it. It was, therefore, his (Mr. Sergeant Talfourd's) intention not to subject the House to any further expense of time or labour, with reference to this subject, during the course of the present session. He was at the same time desirous that the position of the promoters of the bill should be distinctly understood—that they were only detained in their advocacy, but not defeated. This was the third Session during which the bill was before the House; and, however, much discussed its provisions had been, there had always been a majority in favour of its main principle. He at the same time entertained no doubt that the opposition which he had met had proceeded from strictly conscientious motives. He should be ready to renew his struggle with the hon. Member for Bridport, at the earliest possible period of the next session. The hon. and learned Gentleman concluded by moving that the further consideration of the Copyright Bill be postponed to that day three months.

Mr. *Warburton* said, that he would appeal to the great example of Lord Camden and of Charles James Fox, who had opposed the principle of perpetual copyright, with the same inflexible spirit with which he (Mr. Warburton) now asserted his determination to oppose the hon. and learned Gentleman's Bill, if it were ever again brought forward.

Bill put off for three months.

* * *

HOUSE OF LORDS,

Tuesday, July 9, 1839.

MINUTES.] Bills. Read a first time:—Election Petitions, or Controverted Elections; Stannaries Courts.—Read a second time:—Brick Duties; Paper Duties; Glass Duties; Prisons (Scotland).—Read a third time:—Borough Watch Rates.

Petitions presented. By the Marquess of Salisbury, from Liverpool, Hemel Hempsted, and other places, against Clauses of the Prisons Bill.—By the Duke of Richmond, from Lanark, and other places, for a Uniform and reduced rate of Postage; and from a place in Scotland, for the Extension of the Church; and against the Prisons' (Scotland) Bill.

LONDON AND BLACKWALL RAILWAY.] The Marquis of *Salisbury* moved the second reading of the London and Blackwall Commercial Railway Bill. He had heard, with great concern, that his noble Friend (the Duke of Wellington) had declared his intention to oppose the measure. In almost every instance, the statement of the petitioners against the bill was met with a direct negative by the promoters of the measure, who had testified their fairness in the proceeding by offering to pay the expenses of both parties, if the bill were referred to a Select Committee. He moved that the bill be read a second time.

The Duke of *Wellington* said, he should take the sense of the House against the second reading of the bill, and he should do so solely on the ground, that the Act of Parliament which established the Blackwall Railway Company, had expressly and positively declared, that their operations should not extend further into the metropolis than the Minories. He moved, that the bill be read a second time that day six months

Lord *Brougham* did not attach much importance to the argument used by the noble Duke, for it was manifest, that the Act of one Parliament could not tie up the hands of another. He objected to the motion of the noble Duke, because it tended to abrogate one of the most useful rules of their Lordships, according to which all private bills should be referred to a Select Committee. Then evidence as to disputed facts could be taken, and if the bill should be considered objectionable, it would always be in their Lordships' power to throw it out on the third reading.

Lord *Ellenborough* agreed in principle with the noble and learned Lord, that every private bill should be sent to a Select Committee. He knew that the noble Duke proceeded on public grounds, but he viewed his proposition with the greater alarm, because it might hereafter be referred to as a precedent. The railway for which the bill on the Table was wanted, was not a railway on which it was proposed to work machines by means of steam; and he understood that the company were prepared to introduce a clause prohibiting the use of steam or locomotive machines on it. It was to be a railway on a viaduct, supported by arches; and along its side there was to be a pathway for foot passengers, so that it would add to the communications of the metropolis, instead of restricting them.

Lord *Wharncliffe* said, he could well understand the opposition to the present bill, if it rested on the general ground, that no railway should be permitted to come into the heart of London; but if it were alleged that the bill ought not to pass, because it constituted a breach of contract, or would injure the property of individuals, these were reasons which might best be investigated before a Select Committee, and the bill ought not, on account of them, to be thrown out on the second reading. He reminded the House, that after the Committee reported, it would be open to any of their Lordships to move the rejection of the bill.

The Bishop of *London* supported the amendment, precisely on the ground, that, under no circumstances, would he give his assent to bringing a railway into the heart of the metropolis. The proposed terminus of the Blackwall Railway was equidistant from three churches, and the collection of many thousands of persons on a Sunday at this terminus, together with the noise of the carriages, would prove a serious interference with the decency of divine service. The corporation of London, the inhabitants of the parishes, as well as the clergy, all prayed their Lordships not to agree to the second reading of the bill. For these reasons he should support the motion of the noble Duke.

Earl *Fitzwilliam* thought, that their Lordships would act with extreme injustice to the company, if they did not allow the bill to go before a Select Committee.

Lord *Ashburton* was anxious to state the reasons that would induce him to vote against the second reading of this bill. He objected to the bill, because the railway would come into the very heart of the metropolis, and if that were allowed in this case, there was no reason why the *termini* of other railroads, such as the Birmingham. should not also have the same permission, He further considered, that it was not merely particular parties who would be injured, but the whole neighbourhood would be affected by the railway, in consequence of the rattling of the carriages upon the arches, whether moved by steam or anything else. All railways should have their *termini* at the skirts of the metropolis; for otherwise a great general nuisance might be committed to persons in the city, although they might not be able to produce evidence of any specific injury.

The Earl of *Falmouth* said, that after what he had heard, he had come to a very different conclusion from the noble and learned Lord opposite. His objection was, to bringing railways into the heart of the city of London; and certainly, after what the right rev. Prelate had stated, although he had entered the house quite ignorant of the subject, he could not feel the least hesitation in supporting the motion of the noble Duke.

The Earl of *Wicklow* said, that he had heard no argument urged against this measure that would induce him to say, that it ought not to go before the Committee. He trusted that their Lordships would allow the second reading of the bill, and there would then be an opportunity of hearing all the strong arguments against the measure. He would admit, that the arguments stated tonight went very far against it, and if he were appointed a Member of the Committee, he should attend very closely to the proceedings.

The Marquess of *Salisbury* said, he thought it rather late now to come to any other conclusion than that of supporting the bill. Three years ago their Lordships had passed a measure allowing a railway to have its *terminus* in Smithfield, so that it was very little argument against the present bill to complain of this railway coming into the heart of the city.

Their Lordships divided on the original motion, Contents 33; Not Contents 26: Majority 7.

Bill read a second time.

TITHE COMMUTATION ACT.] The Marquess of *Lansdowne* said, that in moving the second reading of the Tithe Commutation Act Amendment Bill, he felt it necessary to offer a few observations. This Bill was one of considerable importance, though it was not likely to call forth any difference of opinion among their Lordships. He would state briefly its chief objects; but, before doing so, he might as well inform their Lordships of the progress made in carrying the Commutation Act, to which this was an amendment, into effect. From a return which he held in his hand, it appeared that the Commissioners, under the Act, had already made great progress in reconciling the interests of the Church with those of the public, and on grounds which would prove beneficial to both. The return to which he referred showed, that 4,255 voluntary agreements had been already made with respect to the commutation, and, of that number, 3,114 had been confirmed. Of compulsory agreements there had been 339. There had been 179 notices given of awards actually received, and 57 of awards confirmed. Thus it appeared, that one-third of the kingdom had been already brought under the principle of voluntary agreement, and there was a satisfactory prospect that the whole kingdom would at no distant period, be brought under the operation of this salutary measure. The chief points of the bill before their Lordships were these.—First, it provided that former charges on tithe be transferred to land; second, that supplementary awards might be made. He would admit that it was not generally desirable that awards should be re-opened, but in some cases it became absolutely necessary; as, for instance, in cases where parts of parishes had been accidentally excluded. In the third place, occupiers of Lammas land were allowed to enter into competition without reference to the sum paid by graziers, who sent their cattle for part of the year on the land. The fourth point related to the tithe on fruit. Orchards would be taxed in the same way as other land, but it was proposed and assented to by the Commissioners and those who represented the interests of the Church, and by those who represented the interests of the fruit-growers, that a composition should be made of tithe on the land as land, and that another should be made on the capital embarked in growing the fruit, with the power of rescinding that composition when the orchards fell back to be used as ordinary land. These were the chief points of the Bill. Some amendments would be necessary in the committee. But to these it was not necessary to advert at present. He moved, that the Bill be read a second time.

Lord *Ashburton* did not rise to offer any opposition to the Bill. He admitted that the sanction of the Commissioners would do much to remove difficulties, and the progress they had already made showed that they were executing their trust with zeal and ability; but when he heard that there were above 4,000 cases of voluntary settlements, he must remark that they were settlements between the tithe-owners and tithe-payers, and that the proportion to be paid by the tithe-payers amongst themselves, was not settled. The simple question was this—the practice of the country had been to rate the tithe-payer or farmer on rack-rent, and also on his profits, but the courts by whose decisions this practice was sanctioned, left it undecided how the pofits were to be ascertained. They could not give the clergy compensation on one principle, and allow the rating to be on another. He thought it was necessary that Parliament should settle that *vexata questio*.

Earl *Fitzwilliam* thought, that his noble Friend was in error as to the point. The case of "the King and Joddrell" was one, as at present decided, which would make the law press heavily on the tithe-payer. That was a case in which the opinion of all the judges should be taken. It appeared to him, that if the first decision come to was good law, it ought to be so declared before the whole land was ruled according to the principle established in that decision. If the law was allowed to remain as it had been decided in the first instance, in the case he had mentioned, it would be very hard on the tithe-payer.

The Duke of *Richmond* said, that if the present opinion of the judges remained, it would be necessary to come to Parliament to settle the question, for if the farmer were rated on his profits, so ought the merchant and the manufacturer to be rated likewise. The land would gain by this principle, for the merchant and the manufacturer would be made to bear some part of the burthen.

The Marquess of *Lansdowne* said, that as the question was to be argued before all the judges in November next, their Lordships would not think that Parliament could interfere until they knew what the final decision of the judges would be.

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, July 9, 1839.

MINUTES.] Petitions presented. By Mr. Hawes, from Glasgow, for freedom of Commerce between Great Britain and Circassia.—By Captain Pechell, from Brighton, and Sir G. Clerk, from Stamford, for a Repeal of the Duties on Stage Coaches.—By Mr. Fox Maule, from Elgin, against any further Grants to the Scotch Church.—By Viscount Morpeth, from Huddersfield, and other places, in favour of Education; and from Barnsley, against the restrictions laid by the Neapolitan Government on the Sulphur Trade.

Affairs of Spain.] Viscount *Mahon* wished to address a question to the noble Lord, the Secretary for Foreign Affairs, relative to the correspondence which had been lately laid on the Table of that House on the civil war of Spain. The noble Lord has been employed in the very praiseworthy object of endeavouring to alleviate the barbarities of that war; but he wished to ask the noble Lord whether he intended to take those steps which must obviously and most effectually promote the completion of that desirable aim —whether it were intended to extend the provisions of the Elliot treaty to the whole of Spain? He need not remind the noble Lord that the original scope of that convention embraced the whole of Spain, but, in consequence of certain circumstances then existing, it was restricted to the two Basque provinces. Now, considering the great advantages derived from the treaty, even with that restriction, he would ask the noble Lord whether it was not desirable that it should be extended throughout the whole country? The second question which he wished to put to the noble Lord was, with regard to the overtures which it appeared had been made by this Government to that of Russia from the despatches of the Marquess of Clanricarde, and laid on the Table of the House. Did the noble Lord intend to take any steps on that subject? The Marquess of Clanricarde writes to Lord Palmerston, in his despatch of February 15, 1839:—

> "Count Nesselrode said, that when we addressed to the Russian Government an application for interference to stop the barbarous mode of warfare which had been adopted, the idea naturally suggested itself, why not carry the interference a step further, and make the war itself to cease? but that he had not thought of any means of overcoming the many difficulties which were opposed to the carrying out of that suggestion. Count Nesselrode proceeded to explain that his idea was, that if five plenipotentiaries were assembled, perhaps they might devise a plan for the pacification of Spain. 'We,' said his Excellency, 'have just now, after eight years' labour achieved the settlement of a question in Belgium replete with complicated difficulties, and why should we despair of finding the solution of those which Spain presents?'"

He would merely ask the noble Lord, as the rules of the House did not permit him to make any comments on the subject, whether he intended to avail himself of the opportunity thus afforded to him of putting an end to that civil war in Spain which he was sure the noble Lord regretted as much as he did himself.

Viscount *Palmerston* replied, first, with regard to the Elliot convention, that it was true that it was limited to the Basque provinces and to the armies engaged in those provinces; but when application was made to have it extended to the whole of the country, the Spanish government objected for this reason—there were in Spain, owing to the suspension of the legal powers consequent upon the civil war, a great number of robbers and marauders roving about committing all manner of outrages; and if this convention were extended through all Spain, when any of them might be apprehended for robbery and murder, they would plead that they were Carlists, and claim the privilege of being exchanged as prisoners of war; therefore, they could not, consistently with the security of the people of Spain, extend this convention indiscriminately to all the provinces of that country. But one result of the application of the English Government to Russia was this, that it had led to an understanding between Cabrera and the constitutionalist general opposed to him, by which means were to be taken to provide for the safety of soldiers taken prisoners in war. He could assure the noble Lord, that no measures would be omitted to endeavour to humanize the war of Spain as far as it was possible. With regard to the second question, the noble Lord would see from the papers on the Table of the House, that the idea of some common action on the part of the Five Powers was suggested by Count Nesselrode, who undertook to use his influence with Spain for the purpose of putting an end to those atrocious crimes which were dishonourable to the character of men. The English Government expressed a wish to know the means which Russia contemplated, and stated that England and France could not enter into any scheme inconsistent with the quadruple treaty. In reply, Count Nesselrode said, that the Russian Government was not prepared with any particular scheme, and there the matter had dropped.

The East.] Mr. *Milnes* wished to put a question to the noble Lord on a subject of great importance—the war between the Sultan and the Pasha of Egypt. As hostilities had commenced, he would ask the noble Lord whether he were aware of the negotiations said to have been begun between Marshal Soult and the Pasha of Egypt for the purpose of putting a stop to the war, and that a chargé d'affaires had been sent out to say, that if the Pasha would only cease hostilities, the Five Powers would arrange affairs? Was it true, that in consequence of that message, the Pasha had addressed a letter to his son, who was in command of the army, desiring him to await the arrangement of affairs by the Five great Powers? And, if so, he wished to ask the noble Lord whether this was the isolated act of Marshal Soult, or whether the noble Lord was cognizant and approved of it? He was the more anxious to put this question, because it had been the subject of discussion in the French senate.

Viscount *Palmerston* had great satisfaction in answering, that the English and French Governments perfectly understood each other, and were acting in concert with regard to these important matters. The French Government had signified their intention to send one officer to Alexandria, and another to Constantinople, for the purpose of endeavouring to effect a suspension of hostilities; and not only Great Britain and France, but also Russia, Prussia, and Austria, had all evinced a strong and sincere desire to bring about some arrangement, by which Europe might avoid the present danger with which she was threatened by the hostilities between Turkey and Egypt.

Mr. *Milnes* had another question to ask with regard to the state of our relations with Persia. He understood that our ambassador had withdrawn from the Persian court, and he begged to know whether the noble Lord was aware of any satisfaction having been given on that question.

Viscount *Palmerston* could only answer that the Persian ambassador was told at Constantinople, Vienna, and Paris, that he could not be received in this country, until the government of Persia had given the satisfaction which had been asked for. The Persian ambassador, considering, however, that he might facilitate the business by going forward to London, had arrived here; but as the ambassador had not shown that satisfaction had been given, he had not felt it to be consistent with his duty to receive him officially.

THE STATE OF TEXAS.] Mr. *O'Connell* wished to put a question to the noble Lord at the head of the Foreign Department, relative to that portion of the Mexican territory, calling themselves the state of Texas. He wished to know whether anything had been done by the Government for the purpose of recognising the independence of that state?

Viscount *Palmerston* stated, that an application had been made to the Government in the early part of the last year by persons from Texas, for the purpose of knowing whether the Government were prepared to acknowledge the independence of Texas. The answer given to that application was, that the general principle of the Government was to acknowledge every state that was *de facto* and permanently independent, but they were not then prepared to acknowledge the independence of Texas. He had also to state that, as soon as he knew that the British Minister had succeeded in effecting a reconciliation between France and Mexico, instructions had been forwarded to him to endeavour to bring about some understanding between Mexico and Texas.

SCOTCH FISHERIES.] Captain *Pechell* said, he had received a communication from Scotland, which induced him to ask the noble Lord, the Secretary for Foreign Affairs, a question. It appeared that a fleet of French fishing boats had appeared on the Scotch coasts, which was likely to produce considerable injury to the Scotch fisheries. He wished to know if anything had been done with the French Government relative to their encroachments on the fisheries of this country; and also whether any directions had been given by the Admiralty to send a vessel of war to protect the Scotch fishing boats.

Viscount *Palmerston* said, every one knew that negotiations had been going on between this country and France relative to the oyster fisheries at Jersey, and correspondence had also taken place as regarded the fisheries along the coasts of the two countries. The negotiations were far advanced, and he trusted, that at no distant period they would be brought to a satisfactory conclusion.

CANADA.] Sir *Robert Peel* wished to

ask the Under Secretary for the Colonies, whether any dispatches had been received from Sir John Colborne, Governor-general of Upper and Lower Canada, explanatory of the advantages which would result by allowing the ordinances of the Governor and Council to have a more permanent duration than the year 1842. It had been stated, that many persons had been prevented from undertaking important local improvements from the uncertainty and limited duration of the powers under which they might be commenced with the approbation of the authorities in that country. He begged to ask the Under Secretary for the Colonies, whether any such dispatch had been received, and if so, whether the right hon. Gentleman would have any objection to lay it on the Table of the House?

Mr. *Labouchere*, who replied in a very indistinct tone of voice, stated, that he could not, at the moment, give an answer to the question of the right hon. Baronet; but, if he wished the dispatches of Sir John Colborne to be looked into, with reference to this subject, he would do so, and give him an answer in a short time. He was unable to give an answer at the present moment.

Sir *R. Peel* said, that it appeared by some of the papers on the Table, that improvements would be prevented being carried into effect unless something of the kind that he had alluded to was done: and he wished to know whether these suggested improvements were specified. In one instance, he recollected, that this was the case, namely, in connection with the seminary at Montreal. Could the right hon. Gentleman inform him whether others were mentioned?

Mr. *Labouchere* was aware that there were one or two allusions of the kind—for instance, that connected with the seminary at Montreal. The state of the law in the province was not at present that no money could, beyond a certain period, be allowed to be raised for this or other purposes of a similar kind. This had more than once been stated as a ground for changing the law. Sir John Colborne had made some observations on this matter; but he could not tell, without reference to the dispatches, whether or not, he had made any suggestions for an immediate legislative amendment of this difficulty.

JAMAICA.] Lord *John Russell* said, that, in rising to move that the House take into its immediate consideration the Lords' Amendments on the Jamaica Bill, he should state, that he was prepared to agree generally with the amendments that had been introduced into this bill in the other House. He regretted the changes that had been made in this measure; but after what had passed it would probably be inexpedient to persist in further opposition to these changes; there was one, however, of these amendments which had evidently originated in some blunder in the House of Lords, from which he should disagree. Some of the changes that had been made in the bill were of great importance, and more especially that by which the first clause was left out. As already a great deal of argument had been used with respect to the omitting this clause, he should not again go into the subject, as he did not intend to meet with a negative the amendment by which the clause was left out. Although the bill, as it would stand, was not nearly so effective as he could wish, and although it left a greatly diminished power to the Governor and Council, still it left some power for continuing the government in the island. There was also another amendment introduced by the House of Lords into the bill, by which it gave a certain time to the House of Assembly, during which it might consider, whether it would pass the necessary measures that would be laid before it —a delay of two months. The clause that remained, he need hardly add, referred to the laws that would expire or had expired. The amendment from which he should propose, that the House should dissent had arisen in this way. The House of Lords had left out the former part of the preamble, which was as follows:—

> "Whereas the altered state of society consequent on the total abolition by law of slavery in the island of Jamaica, requires the enactment of further laws to take effect within the said island: and whereas the House of General Assembly of the said island, by an address to the Governor thereof, on the 30th day of October, 1838, stated, that for the reasons therein set forth, they had come to the determination to abstain from the exercise of any legislative functions;"

And it concluded thus,

> "And whereas, in consequence of the determination aforesaid, several temporary laws of the said island have been suffered to expire,

some of which ought, without delay, to be revived or re-enacted."

Now, when the Lords omitted the former part of the preamble, they allowed the latter part to remain, so that the name of the island was omitted; and it only stated "such island," without specifying what island was meant. He need hardly say, that it was necessary to change this: he proposed, therefore, that the House should agree to the other amendments; but to that which he had referred to respecting the preamble, that they should dissent from, and insert the island of Jamaica.

Amendments agreed to.

Sir *R. Peel* was glad that the noble Lord had concurred in these amendments, which made the bill very much resemble the form which he proposed should be adopted. He rose, however, more for the purpose of expressing a sentiment which he believed would meet with the general concurrence of the House, namely, expressing his earnest hope that the House of Assembly of Jamaica would justify the confidence which was now placed in it by the general sense of Parliament, and that they would realise the expectations that were entertained of them by their friends, and that they would not only resume their functions, but that they would proceed in that spirit and temper which would at the same time raise the Assembly of Jamaica in public estimation in this country, and show to the world that the intention of suspending the constitution of that island, and putting a stop to their legislative functions for a time, were not justified by the result. Such was the advice which he would give the Assembly of Jamaica, and he trusted that it would be received by that body in the sense and spirit in which it was given, for he was sure that they could pursue no other course so well calculated to raise and establish them in public opinion.

Bill to be sent back to the Lords.

The Metropolitan Police at Birmingham.] Sir *R. Peel* said, that he wished to know from the noble Lord, what was the number of the men belonging to the metropolitan police force which had been sent down to Birmingham, in consequence of the riots in that place? In asking this question, he would earnestly recommend to the noble Lord, that the utmost caution should be used in sending bodies of the metropolitan police against mobs in the large towns in the country. He did not intend to convey, by these observations, any censure on the Government in the present case, but he hoped that great care would be used. Considering the high character and efficiency of the body, he trusted that, in employing them in future, the greatest caution would be taken not to compromise that character by bringing them into collision with large assemblies in towns, with the general character of which they were not acquainted.

Lord *John Russell* said, that the question put by the right hon. Baronet, rendered it necessary for him to state the circumstances of the case, and what had passed, with reference to the sending a portion of the police force to Birmingham. What had occurred in the present case was not very different from what had taken place in various parts of the country within the last few years. The Mayor of Birmingham, accompanied by two other magistrates of the town, came to London expressly to make application to the Home-office for assistance. They informed him, that assemblies of a tumultuous and dangerous nature were in the habit of being held every night in that place, and that they had not a sufficient police force to arrest the persons guilty of disorder, or to preserve the peace. They also stated, that the corporation lately formed in their town had already adopted measures with the view of organizing such a police force; but as this had not yet been done, they were unwilling to call upon the military to act, without having an adequate civil force there. In compliance with their request, a force of sixty men, belonging to the police force of London, was directed to be sent down to Birmingham along with the applicants. At the same time, on his asking them whether they were satisfied with the military force stationed there, he received an answer assuring him, that all the parties there were perfectly satisfied with that force, and that they placed perfect reliance on the co-operation of the military officer commanding this force. It appeared afterwards, that, on arriving at Birmingham, the magistrates thought proper immediately to direct the arrest of certain persons then tumultuously assembled at a place called the Bull-ring. He would not give any opinion as to the law upon this case; for with regard to this case, as also with respect to the particular courses of conduct pursued in riots or tumults on previous occasions, a judgment could be best formed on the subject by one who was on the spot, and knew all the circumstances. The mob, against whom that part of the police force were directed to act, were some of them armed with knives and other offensive and dangerous weapons, and some of the police had been wounded. He was glad to say, that the last accounts stated, that those who had been wounded, were not either dangerously wounded, nor were they at present in any danger. The next morning he received an account from Birmingham, and a request to send down forty more policemen. He hesitated somewhat with respect to the step, and consulted Colonel Rowan, with the view of ascertaining his opinion as to what effect such a measure would have on the police force in general; and Colonel Rowan, thinking that a reinforcement would give confidence to the police in the country, from the conviction that they had the support of the metropolitan police, and also that it would not be prejudicial to the police force itself, he (Lord John Russell) consented to send forty additional policemen on the second day, and they arrived that night at Birmingham. It appeared that, although the military had acted with that promptitude and temper with which they had invariably acted on these occasions, and although the special constables had not failed in their duty, yet the presence and assistance of a small body of well-organized police had been exceedingly useful in maintaining the peace of the town; and every letter which he had received from magistrates and others, expressed a sense of the utility of this force, and the great satisfaction that their exertions had afforded. He was happy to say, likewise, that there was a letter this morning from one of the inspectors of the police who was at present at Birmingham, a man of character and intelligence, stating that happily no riots prevailed there yesterday, although great crowds were assembled in the streets, as was usually the case in that town, on Mondays and Monday evenings, but that no attempt was made any where to interfere with or molest the police force, which acted every where with decision. Although it was unwise to mix up the police force in any case where they would run the risk of being injured or diparaged in public opinion, yet he was of opinion there did occur many occasions in which the assistance of a small body of organized policemen would be of the utmost importance, and produce the best effect. This had been the case lately at Devizes, where probably the barracks, which had recently been repurchased by the Government, would have been burnt during the disturbances there, had it not been for the presence of a portion of the police force. He wished to see an efficient police force established throughout the country, but in the present state of the country, and of the local police of the country, he thought that it was advisable that, in such cases as the present, they might call for the services of the metropolitan police, and he did not anticipate that any evil consequences could result.

Captain *Wood* wished to know whether this force was to continue at Birmingham. If this system was to be pursued, of sending the metropolitan police force throughout the country, it would be a considerable tax on the rate-payers here.

Lord *John Russell* said, that in almost every case he had found the local authorities ready to contribute the greater part, if not the entire expenses of the police force when sent down. He would also mention, that he had thought it necessary this year to ask for an additional sum of money for the police force, so that there might be a body of police always disposable, without ever diminishing the force necessary for the metropolis.

TIMBER DUTIES.] Mr. *C. P. Villiers* said, Sir, in seeking to draw the attention of the House to the subject of which I have given notice, I am aware of the disadvantage under which I labour. I know the distaste which this House has to subjects of this nature, and I know how difficult it is at this season to draw serious attention to any matter of public importance. Still, Sir, as I consider this a very important subject, and one (reminded as I am constantly by those who placed me here) of the mischievous operations upon industry and commerce of similar restrictions, I do feel it a duty to submit this subject to the attention of this Parliament; and, Sir, I must claim for this subject some appropriateness in point of season, since we are at this moment not only about to review the relations in which we stand to those provinces in America, which are connected with the subject, in the hope of placing them upon a footing more suited to the interests of both countries, but that we are fresh from hearing a statement from the financial minister, from which it appears that we are running a career of expenditure beyond our income; and the case which I have to submit to this House is one in which the resources of this country are perhaps more prodigally, uselessly, and mischievously wasted than in any case which is at all a parallel of it; and I believe that in the correctness of that view there is more unanimity of opinion than in any other in which particular interests are opposed to public good. Indeed, the question of the policy of these duties has been decided—they have been condemned by every administration which this country has had for twelve years past—they have been denounced by every independent politician, and even that last resource has been resorted to by those who are beat in fact and argument, namely, a Select Committee to inquire into facts already known, and which has been attended with the usual result, in eliciting further facts in confirmation of the mischiefs alleged. The story of these duties was told in this House about eight years since. It is fortunately a short one, and I will only repeat it with the brevity that is requisite. I need not perhaps tell the House that this article of necessary consumption is not produced in this country in quantities sufficient for the demand; and that the deficiency is equal to about 1,200,000 loads of timber. Now the countries which supply this article are those in the north of Europe, and those in the north of America; and the characteristics of the wood imported from those countries respectively are that the wood imported from the north of Europe is good and cheap; and the wood from the north of America is bad and dear. The House has now to learn in what proportions the timber so characterised is imported into this country. It is as follows:—three-fifths of the timber is from the country where it is bad and dear, and two-fifths or somewhat less from the country where it is good and cheap. Now, I think that any stranger to our policy would naturally ask by what contrivance it was, that we were induced to act in a manner so opposed to the usual dealing of sane men; the answer then is, that the Legislature causes a duty of 55*s.* a-load to be laid upon the good timber, and only 10*s.* upon the bad. I believe that I am safe in making this statement respecting the character of the wood which is imported into this country, for those who would maintain these duties do not, if I understand them dispute it, for they do not say that the community is as well supplied from Canada as from Europe, but they say, do not alter the duties lest every consumer of timber in England should resort to the European market, where he would get the article the cheapest and the best; but not to allow anything to depend upon assertion, I will read a short extract from the report of the House of Lords on this subject, which I presume will be received as an authority. The report says:—

> "North American timber is more soft, less durable, and every description of it more liable to the dry-rot than timber from the north of Europe. Red pine however, which bears a small proportion to the other description of timber, and the greater part of which, though imported from Canada, is the produce of the United States, is distinguished from the white pine by greater durability. On the whole it is stated by one of the Commissioners of his Majesty's navy most distinguished for practical knowledge, experience, and skill, that the Canada timber, both oak and fir, does not possess, for the purpose of shipbuilding, more than half the durability of wood of the same description the produce of the north of Europe."

Mr. Copeland, the most extensive builder and timber merchant in London, has also said in evidence before that Committee:

> "That the timber from the Baltic in general speaking of Norway, Russian, Prussian, and Swedish, is of a very superior quality to that imported from America, the bulk of which is very inferior in quality, much softer in its nature, not so durable, and very liable to dry-rot."

This evidence respecting the timber, given nearly twenty years since, was confirmed in every particular before the Committee in 1835; in which will be found most instructive evidence, and none more so than that given by the hon. Member for Bridport, who has in his testimony nearly exhausted the whole subject; but there are some circumstances, in case any doubt should be cast upon individual opinion, which must satisfy every person; for instance, that the Canadian timber is excluded from the dockyards, and also in all building contracts, there is especial provision made, that none shall be used; but there is one thing, perhaps, more conclusive than any other, namely, that for the woods admitting of comparison, there are two prices in the same market, the European timber fetching the higher price. The next point to notice to the House is the pecuniary loss which the use of this inferior timber, at high price causes to the country, and which is not difficult to estimate; for, having the different prices in the market, we can estimate the loss from quality, and taking the duty from the gross price, we learn the difference of price. Now, examining the prices current of the woods of the different countries in the modes in which they are rated and brought to this country, I find that on every load of pine timber we lose 2*l.* 5*s.*; on oak timber in the same proportion; on every hundred of deals we lose 17*l.*; and on every thousand of staves, which are so much used in this country for packages, casks, &c., 38*l.* Now, applying this measure of loss per load to the whole quantity imported from the North American colonies, I find that the loss, after deducting about 100,000 loads of yellow pine, which we must always get from Canada, amounts to the sum of 1,500,000*l.*, an estimate which I find corresponds nearly to other estimates which have been made; for instance, Sir H. Parnell states, in his work on financial reform, which was published when we imported much less timber than now, that the loss was probably above one million; and a most able and intelligent witness (Mr. Norman) stated, in his evidence before the Committee on manufactures, shipping, and commerce, that the trade would not have cost the country less than thirty millions in the last twenty years. I should also state, perhaps, that, owing to the peculiar mode of adjusting the duties on the timber in logs and on deals, the revenue further sustains a loss of about 12*s.* a load, without any advantage or convenience to the consumer. Now, I contend, that this sum of 1,500,000*l.* should not be taken from the community unless required for the purposes of revenue, or unless it be shown, that the loss is a necessary loss, or that there are countervailing advantages; but it is the peculiar enormity of this case, that not one sixpence of this sum goes into the revenue—and it is not at all necessary or advisable to continue the system, nor are any of the advantages which are pretended to result from it at all adequate to the evil. It it also a peculiarity in the changes in modes of levying the duty which are proposed, that they can be effected with benefit to the consumer, and without injury, but with some advantage, to the revenue; or even with advantage to the consumer, and great benefit to the revenue; for a given amount of timber must be imported, and a duty on that can in no way be adjusted or collected so little advantageous to the consumer, and so profitable to the revenue as the present duty. I own, when I consider that timber is an important element in production, and that to all classes of producers, whether manufacturing, agricultural, or the labouring, it is of the utmost importance to have it good and cheap, I do extremely regret, that it should have been deemed a fit subject for taxation at all; but, little as it has unfortunately been so deemed, certainly the revenue ought to derive the full benefit from the tax, with the least possible prejudice to the public. But this question is one of far more importance to the labouring classes than it is usually considered; for, when we recollect the miserable dwellings of many of the labouring classes of this country, and the degrading influence of a wretched dwelling upon every poor man, it is impossible to overrate its importance. I have obtained a copy of a report on the dwellings of some of the poorer classes in a large manufacturing town, which I will just refer to, because I believe that it describes their condition in nearly every populous manufacturing town. It is a report made of the dwellings of 1384 families in the borough of Stockport. The hon. Member read the following

"Statement of the Number of Families dwelling in Cellars; and also of the Number of Families dwelling in Single Rooms, in Stockport.—Extracted from the Rate-book, June, 1839:

1839:		REMARKS.
Families dwelling in cellars in Stockport . .	1,253	These cellars are mostly without drains, cold, damp, and very dark. The poor families who occupy them are subject to fevers, and often lose their health and cheerfulness, whereby they are unable to get a living. There are instances of two families, and lodgers besides, being huddled together in one cellar.
Families dwelling in single rooms in Stockport .	131	These rooms are seldom more than 12 feet square, and in that space there are (in some instances) two families and two lodgers, that is, 10 or 12 persons in one room."
Families .	1,384	

Now, I am led to connect this with the price of the materials of building, from the account I get of the condition of the poor in countries where timber is cheap, and I was struck by a passage in the travels of an intelligent author in Norway, Mr. Laing, who observes, upon the comfortable dwellings of the peasants. and is led into reflections on our timber laws in consequence. He says:—

> "This population also is much better lodged than our labouring and middle classes, even in the south of Scotland. The dwelling-houses of the meanest labourers are divided into several apartments, have wooden floors, and a sufficient number of good windows; also, some kind of outhouse for cattle and lumber. Every man, indeed, seems, like Robinson Crusoe, to have put up a separate house for everything he possesses. Whoever has observed the condition of our labouring population, will admit the influence of good habitations upon the moral habits of a people. The natives of New Zealand have dwellings more suited to the feelings and decencies of civilised life, than the peasantry of a great proportion of Great Britain and Ireland, who live in dark, one-room hovels, in which not only household comfort and cleanliness are out of the question, but the proper separation of the sexes can scarcely be maintained. It is from the operation of our timber duties, that the working-class in Great Britain, and particularly in Scotland and Ireland, is so wretchedly lodged—an evil by which the whole community suffers. The timber of America is not adapted, either in size, strength, durability, or price for the woodwork of small houses, for the beams, roof timbers, or other parts in which there is strain or exposure, it is considered totally unfit; and were it stronger, the waste in reducing its logs to the proper dimensions prevents the application of it to such small buildings. The duty upon the kind of wood alone suitable for the poor man's habitation, which is the small-sized logs, deals, and battens of Norway, or the Baltic coasts, renders it impossible for the lower, or even the middle classes to lodge themselves comfortably or even decently. It affects the price not merely of the good building material which these countries could furnish at a cost lower than the duty now levied upon it, but it raises our own wood, which no prudent man can use in any work that is intended to last for twenty years. If our labouring classes understood their own interests, they would find that the timber duties press more heavily upon their comfort and well-being than even the corn-laws."

And now having traced the evil effects of these duties upon this country, I come to the question, what excuse is there for their continuance? I am, of course, prepared to hear those old watchwords of monopoly, ships and colonies, started again upon this occasion, and to hear the old story, that the British navy depends upon her commercial marine, that this is nourished by the colonies, and that the colonies are the natural customers to the manufacturers; and that without the continuance of this and other monopolies they could not purchase our manufactures. And seeing the success with which these silly fallacies have been urged hitherto, I should shrink from attempting to battle with them, if I did not daily observe the advantage of discussion, and if I did not believe, that by means of discussion the truth will prevail. Now, after having given a careful attention to all the information that can be obtained on this subject, I must say, that there is nothing of which I would venture to speak with more confidence than that the British navy is in no way dependent for its efficiency upon that part of the mercantile marine which is employed in the timber trade; and with respect to the colonies, that their prosperity has been greatly deferred, and that they have been seriously injured by being tempted by means of these duties to divert their capital and industry from their more natural channels of employment, and devote them to the most hazardous, gambling, and demoralizing business into which they could engage is a certain fact. In examining the evidence before the committee, I find that some witnesses who, from their intelligence and local acquaintance with these colonies, seem to have been well competent to speak on this subject, and who were unbiassed by any local interest, have given important evidence to this effect—I allude particularly to Mr. M'Gregor and Mr. Revans. The state, that these colonies have ample resources which would enable them to support their trade with other countries, and that nothing but the bounty which we have placed upon their timber has prevented them from giving to those resources a more ample development. Many products are enumerated for which each seems to have its appropriate section in British America. Canada has its agriculture—Newfoundland its fisheries—Nova Scotia its mines, while New Brunswick would probably have become by this time one of the finest grazing countries in the world, but for the seduction of the timber bounty, which has brought it now to depend for its prosperity on the forced and factitious timber trade. It is urged, too, with some force, that unless these colonies have other resources than the timber trade, it would be a species of fraud practised upon the emigrants to tempt them to settle as agriculturists. But, it appears, that all the colonies are far from depending upon the timber trade alone the purchase of imports. For instance, in Canada the imports amount to a million and a half, of which not more than 450,000*l.* can be paid for in timber, the rest being paid for by the expenditure of our Government, and that of emigrants who bring money out with them, and by products other than timber. It is stated, that this trade is a hazardous and gambling one. Some of the risks of it are pointed out in the evidence before the Committee. For instance, the fluctuations in price here are, upon the whole price of timber, but any variation of price must, in fact, fall upon the original cost of the timber, which makes the speculation in every consignment much more precarious. In Newfoundland there is no timber exported, and in Nova Scotia it is the least item of her exports. New Brunswick seems to be the province chiefly interested in the timber trade, it having an additional advantage in its proximity to the mother country. But it is the misfortune of that colony that she is so dependent. There is also great hazard attending the floating the timber down the river to the ports of shipment, and to such an extent, that the general belief in Canada is, that one-third of this timber is lost before reaching port. This, of course, enhances the value of the cargo which reaches its destination in safety, and these are the sorts of prizes which tempt many to place their capital in this worst species of lottery, but which, though some realise fortunes, ends in the ruin of hundreds who engage in the trade. Now, with respect to the influence which this employment, and its accompanying circumstances exercise over the character of the people engaged as lumberers, there appears to be but little difference of opinion. I can conceive no greater nuisance to a well-ordered community, than to have periodical visitations by such people as the lumberers are described to be. They go in bodies, and live in these woods together; are not subject to any of the social influences of civil life; from the greatest temptation to the use of ardent spirits, their constitutions are impaired, and they are rendered reckless in their morals and habits. It is another matter, I believe also no longer in dispute, that this business of lumbering offers no advantage or employment to the emigrants on their first arrival, the object of the emigrant being, to settle down as an agriculturist: and besides, he has not, in general, the skill to use the axe in felling the wood. In truth, no employment is afforded by the trade to any but those who come without any means, and who find employment about some of the lumbering establishments at the ports. But as most of the emigrants leave this country because people have not the means to employ them, and they are assisted to emigrate, what policy is it to tax this country 1,500,000*l.* in order to find employment for these people in cutting timber across the Atlantic? Far better for the people here to keep their money in their own pockets. But it is too idle to talk of people being destitute for want of employment, or that it is necessary to establish a monopoly. Why the future well-being of the country depends upon a constant tide of emigrants flowing in from this country, and occupying the lands; and, as it might be expected, evidence was given before this committee of the demand for labour that existed in Canada. It was also stated, that all the more recent and flourishing settlements in Upper Canada are quite independent of the timber trade, at such a long distance as Perth and Huron. In short, so clear is it that the advantages of these colonies are not increased with the timber trade, that gross injustice is done by it to them, as well as to the mother country. What remains for us to do, therefore, is, to get rid of the monopoly with as little injury to the capital vested in the trade as it is possible. And here, the more this part of the question is examined, the greater are the facilities which present themselves for altering the duties; for, fortunately, there is, as it were, a trade springing up with the United States in wood; and now the forests are so much cleared in the States of New York and Vermont, that it becomes better economy to import wood from Canada, than it is to resort to their forests; and this gives employment to some of the principal saw-mills in that province, which is the most valuable kind of capital I find engaged in this trade. But I think there is little reason to believe that the majority of the people in Canada attach any importance to this monopoly, and they appear to me to care far more for good government than any such adventitious advantage as we give them by such means; and I believe that our chance of retaining those colonies depends far more upon the system of governing them, than it does upon the maintenance of this monopoly. Of one thing I feel sure, namely, that the people of this country will never tolerate or continue the annual loss of 1,500,000*l.* sterling on the one hand, to satisfy the colonists by means of a monopoly, while on the other hand we are paying nearly an equal sum for the purpose of ruling them by force. This appears to be a favourable moment for redressing, on the one hand, their political grievances, and on the other, for establishing the commercial relations on a sounder footing; and it is really difficult to conceive, with the example of our trade, without monopoly to the United States, how any person will venture to say, that we cannot, with great advantage, have an unrestricted commerce with the countries immediately adjoining. But the persons that I expect will be found to be the most eager in maintaining this monopoly, will be what is called the shipping interest, for they it is who are supposed to be most tenacious of the advantages they gain by it; and I will not deny that if we were to import less timber from Canada, it would affect the capital of some ship-owners engaged in that business, in the same way as people are constantly affected by changes and improvements which supersede their customary employments. But that the trade of bringing timber from Canada can be maintained, if we can get it elsewhere at less freight and less cost, or that it can rest upon any thing but a deliberate sacrifice of the public interests for private advantage, I deny. For, Sir, when I hear that the shipping interest is at stake in the maintenance of this trade, it becomes us to inquire what proportion and character of shipping it is that are so employed. Now, in the first place, I find that there are not more than 1816 ships entered altogether in the year, as engaged in the trade between the North American provinces and the United Kingdom, and of these there are about 447 of which the cargoes are not of timber, which must therefore be deducted, and which leaves 1369 for timber. Now as every vessel makes two voyages, this must be again divided by two, which reduces the actual number of ships employed to 684; but, as there would necessarily be about 100,000 loads of Canadian timber to be brought here, which would be about 222 cargoes, that would reduce the number further by 111 vessels, which would then leave 573—which, if the anticipations of the ship-owners were realized, would be deprived of employment were the Canadian timber trade to cease; but supposing this to be the case, what proportion does the House suppose that they bear to the whole mercantile navy of this country and her dependencies? Why the number of registered vessels, in 1836, was upwards of 25,500, and it is to prevent this subtraction from the whole amount of British tonnage that we are told, the shipping interest of this country is in danger, and that we are required to submit to an annual loss of 1,500,000*l.* to avert it. Why, the annual consumption of ships of this country is, I believe estimated at 1,200 a-year, or thereabouts. But what is it but gratuitous assumption to suppose, that this loss will be sustained to the shipping of this country? It proceeds upon the idea, that the foreign shipping is to monopolize the whole of the increase in the Baltic trade, on the supposition that we should obtain all our timber from that quarter. Why, that was the old cry against Mr. Huskisson, when he altered the navigation laws. It was said then, that the shipping interest was to be ruined, that we were to be beat out of the seas by foreigners, and that the Prussian navy would ride ascendant in the ocean! And I should have thought that the alarmists upon that occasion would have lost their credit as prophets for ever in this country, considering the results which attended that change. For what happened instead of what was predicted? Why, that more ships were built and employed in a given period after those laws were changed than before, and that while foreign shipping has increased 11½ per cent., the English shipping has increased 29 per cent., and the mercantile marine of Prussia has since the period when the reciprocity treaty was signed, diminished in a most marked manner. From this experience, then, there is little reason to expect the results that are predicted in this case; but there are reasons which render it peculiarly improbable in this particular case, for the ships that are usually employed in this trade are ships that have become unfit for service of any other kind, and that have been built and employed for other purposes. Now, to meet an increased demand for shipping, it is far more likely that an adequate supply of cast-off ships, would come from this country, which has the most extensive marine in the world than from countries which have hardly enough to meet their own wants. What has been the case lately with respect to grain which has chiefly come from the Baltic? Has the carrying of that fallen entirely into the hands of foreigners? Or, is it not the reason of the extravagant freights which the ship-owners have been lately getting, that they have had an extraordinary demand for vessels for this purpose? Why, there are only two reasons why foreigners should navigate their ships cheaper than we do. One is, that the cost of materials in building their ships is less; and the other is, that the provisioning their ships is cheaper. Now, it would be the obvious effect of reducing the duties on timber, that it would lower the building materials of ships, and with respect to provisions, that applies less to the Baltic trade than to any other, But the truth is, the only just conclusion at which we can arrive from past experience is, that there are at present no people that we know of that can compete with us in navigation. The only people in the world who could and will eventually if any, are the Americans. Yet what is the case there? Why, that in the year 1821, the proportion which our shipping bore to that of the United States in the trade with the United Kingdom was 7½ per Cent., while the proportion of our shipping now is 35 per Cent.; so that even in that case we have been gaining ground. It might be asked why, if foreigners have such decided advantages over us, they do not supersede us where the trade is open to them as well as to us, and why we command the trade, as we do, between Europe and the South American States. Indeed, before the navigation laws were altered, the preference was invariably given to a British ship whenever the trade was free. In fact, there is a decided superiority in our vessels and our seamen, and consequently as every body else can see but a shipowner, who has always got a monopoly in his eye, nothing can benefit the shipping interest more than to extend our commerce in every quarter of the world, which can only be done by removing from it restrictions of every kind; and it really is lamentable to see a class of men like the shipowners siding so frequently with those who take narrow and selfish views of their own as well as their country's interest. I believe it is usual on these occasions with those who uphold the timber monopoly to urge the interest of the manufacturers in its behalf, and it is said that they are anxious to preserve it for the sake of keeping the colonial market for our manufactures. I do not believe that the manufacturers are so foolish. I believe that they are too wise to distinguish between foreign customers and colonial customers, and what they feel the most is, that they have been deprived against their will of their foreign customers by these and similar restrictions upon their commerce. Especially, they complain of these duties on timber, which have tended so materially to disturb their intercourse with the north of Europe. I believe that no step could be taken that would be more satisfactory to the manufacturers of this country than one which would tend to revive a trade with those countries, for they feel, and most justly, that every hour that this commerce is suspended, that fresh manufacturing rivals are springing up in those countries, and that nothing would stay that competition more, and more favour them, than greater facilities being afforded for the introduction of our manufactures into other countries by our taking their products. I am glad to see that my hon. Friend the Member for Leeds has a notice of a motion this evening on the subject; for the time is now at hand when those countries, united under the German League, are about to agree upon the terms on which they wish to rest their commercial relations with other countries in future, and I believe it will depend upon what we are disposed to agree to upon the subject of corn and timber, whether we shall be excluded still farther than we are at present from their markets. Considering, therefore, the great importance which belongs to this question, the vast consequence which it is to the productive classes of every kind in this country, and having shown, as I consider, that those who seek to continue the monopoly have no public or national ground on which to rest their claim, I do hope that the House will consent to the motion that I now propose to it, "that this House do resolve itself into a Committee of the whole House, to consider the duties now levied on foreign and colonial timber."

Mr. Alderman *Thompson:* although he admired the speech of the hon. Member for Wolverhampton, differed entirely from the conclusions at which he had arrived. He was opposed in principle to the object which the hon. Member for Wolverhampton had in view, and he thought, that a subject of such vast importance ought not to have been brought forward at that late period of the Session. The hon. Member had done little more than go over the old ground of complaint against the shipping interest, but it should be borne in mind, that that interest was second to none in this country. The hon. Member had stated, that the sacrifice in consequence of the present system of timber duties was not less than 1,500,000*l.* sterling a year; but in this calculation he was clearly erroneous, inasmuch as he supposed, that a great quantity of the timber necessary for the consumption of the country might be brought from the north of Europe at the same price that it was now had from Canada. If, however, the hon. Member had referred to the report of the committee of 1835, and if he had looked into the evidence taken before that committee, he would have found it expressly stated, that the result of having the supply of timber which we wanted from the north of Europe, would enhance the price of timber there, and enhance it here. The woods and forests contiguous to the navigable rivers of the north of Europe, had been all nearly cut down, and this would soon render it necessary to resort to the woods and forests in the interior, which would require additional labour, and consequently increase the expense. If the object which the hon. Member for Wolverhampton had in view were carried out, there would, in point of fact, be no bounty left in favour of Canadian timber, and then he apprehended, that that House would destroy the export trade of Canada, which took nearly 4,000,000*l.* of our manufactures, and returned between 3,000,000*l.* and 4,000,000*l.* to this country in timber and other articles. The quantity of timber exported annually from Canada was about 400,000 loads, and upwards of 24,000 of the population of those colonies were engaged exclusively in the lumber or timber trade. The report of the committee of 1835, recommended the continuance of the protecting duties, and pointed out the ruin in which the colonists engaged in the trade would be involved if a change were to take place, without their being compensated for the loss which they would sustain. This he thought was a complete refutation of the statement of the hon. Member for Wolverhampton, that the colonists were indifferent on the subject. No doubt it was true, that the number of ships entered in this trade amounted to 1,800, and the seamen to 22,000, but the hon. Member was not correct when he stated, that they made two voyages a year. He did not believe, that one in three made a second voyage. The hon. Member for Wolverhampton had stated that the alteration in the Navigation Laws had not produced an increase in the same ratio of ships in foreign nations as in this country; but instead of confining his attention to Prussia, he should have looked to Russia, Norway, and Denmark, and if he had done so, he would have found an increase of perhaps fifty per cent. It would be highly impolitic on the part of this country to destroy the intercourse that subsisted between Great Britain and her colonies. Such a course would deprive our manufacturers of the advantages of the colonial markets, for it was impossible that the transfer of the timber trade from Canada to the Baltic, could do otherwise than inflict serious injury on the British manufacturers. The hon. Member stated, that the Canadian timber had been excluded from the dock-yards and public works on account of its inferiority; but all he could say was, that he was not aware of any such fact, or that any such inferiority existed. He thought the hon. Member could not have selected a more unfortunate period for bringing forward his motion than the present, for could he for a moment doubt, that if they were now to transfer from Canada their principal export trade, it would occasion disappointment and heart-burnings, and operate as an encouragement to these colonies to persevere in their endeavours to separate themselves from the mother country? The hon. Member had stated, that all former Governments were favourable to the alteration of those duties, but he was mistaken, as the contrary was the fact.

Mr. *Warburton* said, that as the right hon. Gentleman the President of the Board of Trade had formerly been favourable to the alteration of these duties, he hoped the right hon. Gentleman would now express the opinion which he held upon the subject. His hon. Friend (Mr. Alderman Thompson) had told them that a free trade in timber would be no advantage, and he had also said, that if they were to get their supply of timber from the north of Europe, it would lead to a rise in the price. At present the difference was not less than from 20*s.* to 25*s.* a load, and, therefore, even supposing Baltic timber to advance 5*s.* a load, there would still be a considerable gain. They would, in fact, gain the difference of 1,000,000*l.* by the re-establishment of the free trade. Now, when the expenditure and income of the country were so exactly balanced, that hon. and right hon. Gentlemen on the other side of the House told them, that they had no means of venturing upon any measure of financial reform, however widely beneficial, and however much desired, he thought it was time for the House to consider, whether by the revision of the laws affecting any branch of our foreign trade, they could obtain such a margin of income above expenditure as would give room for financial reforms. It was said, that a great number of shipping would be thrown out of employment by a free trade in timber. He did not believe it. He did not believe, that this country availed itself of the advantages which it had for the employment of its shipping. How much might be done to increase such employment by colonization? There were ports not frequented four years ago, to which there were now large numbers of vessels continually sailing—why not obtain the same advantages for others of our colonies by similar means? The corn-trade also might be made an immense source of employment, and why did we not avail ourselves of it? He, so far from regretting the small excess of income over expenditure, really believed, that nothing would force the Legislature to the proper consideration of these subjects, but being driven to the conclusion, that in order to increase the income they must either open some new branches of foreign trade, or impose new taxes. When they were driven to this alternative, as he hoped they would be, to choose between opening their ports to goods from the cheapest market and imposing new taxes, he believed that what seemed now to be regarded as the exploded doctrine of free trade would again find favour with the Legislature. Having expressed his opinion very fully on this subject before the committee which sat upon it, he did not think it necessary now to go into details. He would only say, that he still held the same opinions which he expressed then, when he was a merchant engaged in the timber trade.

Mr. *Poulett Thomson* said, he was very glad that his hon. Friend, the Member for Wolverhampton, had brought this subject under the consideration of the House. But he concluded that his hon. Friend from his not proposing any specific plan to the House, as he would be bound to do the moment they went into Committee—and as he was bound to state, before the House could consent to go into Committee—intended only to call public attention to this very important subject, and did not think it desirable, or that it would be of any use to press his motion to a division. He was glad at the same time that his hon. Friend had brought it under the consideration of the House, and he willingly admitted, that he was one of those who regretted that subjects of this kind did not attract more of the attention of Parliament. It might be said to him "If such be your opinions, why do you not yourself introduce matters of this description to the House?" That might be said; but he could not help feeling that he must be guided by what appeared to be the taste and feeling of the House. If he found that there was a general apathy to such discussions, and that they did not receive attention from the House, it would be unbecoming in him to press them forward, and he did not think that bringing them forward under such circumstances, would be attended with any practical advantage. He did not think that he could introduce with any chance of success, a measure founded on the report of the Committee of 1835, for a general alteration of the timber duties. From the state of parties it would very likely be made a party question; and supposing it to be treated as a party question by the other side of the House as it very naturally would be, those on his side of the House, who represented interests opposed to a change, would join with the opposition, and so render the success of any measure impossible. A measure had been lost on a former occasion by a majority of twenty-five. In the year 1835, he had obtained a Committee, in which the question was much debated, and after much contest, a report was agreed to, by no very considerable majority. His opinion was not at all changed since that time. He was satisfied that the whole system of timber duties was extremely bad. It was injurious to many interests, and not beneficial to any, to the extent that was represented, not even to the shipping interests, or to the colonists themselves. At the same time that he expressed these views, he was not prepared for any violent or sweeping change in those duties, which might seriously affect or destroy existing interests. He thought, however, that some middle term might be found. He believed that the shipping-owners exaggerated to the greatest possible degree, the loss they would sustain by a change.

The hon. Alderman on the other side, had talked of an entire transference of the trade from Canada to the countries about the Baltic as the result of a change. His hon. Friend had tried to establish the same thing before the Committee, but had signally failed. It was proved distinctly, to the Committee, that the quality of a portion of the Canadian timber had materially improved of late years, and that under a moderate and fair protection it would still continue to come into this country. There was another large portion of it used for what might seem trifling, but was not so in reality—he meant that which was used for packing-cases, and which would still come from Canada. So would the timber used for the inner fitting-up of houses and window cases. It was distinctly proved before the Committee, and not attempted to be disproved, that a large portion of the timber imported would, under a free trade, still come from Canada. It might be asked,—what, then, would be the advantage of a free trade? The advantage would be this, that that portion of Canada timber which is now used for purposes for which it is unfit, would be replaced by timber from the Baltic. He thought his hon. Friend, the Member for Sunderland (Ald. Thompson) had pushed his argument a little too far. He did not wish to enter into figures and documents then, but he must say, that his hon. Friend appeared to be a glutton of protection. His hon. Friend said, "Could you refuse this protection of 45*s.* a load to Canada timber?" Canada timber paid only 10*s.* a load, and Baltic timber 55*s.* and his hon. Friend wondered how they could think of refusing such a protection. Now, considering that the cost of Canada timber, put on board at Quebec, was 18*s.* a load, this premium of 45*s.* was not very trifling. But his hon. Friend was not satisfied with a premium which was only two and a half times the first cost of the article which it was intended to protect. He did not believe, that his hon. Friend, looking over the whole customs of the country, would find any other article to which such an exaggerated protection was applied. He did not believe that those persons to whom the timber trade gave employment in Canada, would be affected by a change to the extent that was asserted. He did not believe that anything like a total transfer of the trade would take place, and if his hon. Friend could establish such a conclusion, it would only prove, that the hon. Member for Wolverhampton did not exaggerate in estimating the loss to this country from the timber duties at 1,500,000*l.* He did not believe either in the transfer or the amount of loss; but certainly the one depended upon the other. The hon. Alderman said, that there were 24,000 labourers, or persons employed in the timber trade in Canada, and he asked if their interests were to be injured without compensation? It would seem as if he wished to make them rich, for if the loss of 1,500,000*l.* which this country sustained, were divided between them, it would give each of those 24,000 persons 600*l.* a-year. Why, it would be cheaper at once to compensate them in money than to go on at the present rate; but his hon. Friend must see, that by pushing his argument, he only injured his own case. If this were true, surely that House ought not to submit to such an enormous waste of money as arose from such a state of things. He could not, however, agree with his hon. Friend in his premises, for he believed an alteration might take place, that moderate duties might be adopted, so as to benefit the consumers, and, at the same time, not to injure either the shipowners or the colonists. The argument against this, which he had heard urged, was, that if Baltic timber were taken instead of Canadian timber, foreign ships would be employed; but did not the facts show that such would not be the case? No doubt foreign ships would obtain their fair share of the trade; but whether the timber came from Prussia or Russia, the ships of those countries would only get their due proportion, and no more; and this was proved by all that had occurred since the reciprocity treaties had been entered into. The truth was, that instead of losing we were gaining in the competition; and as to foreign vessels being able to carry at a cheaper rate than ours, he did not believe it. If they could, he asked how it happened that more English ships were employed in the Brazils and the Mediterranean than of any other country, even than of America? In the course of the Spring no less than 115 British ships had entered the port of Trieste, not from England, but from different other countries — from the Brazils and the United States. He was quite satisfied from the information which he had received that the shipping interest of this country was at present in an excellent condition. For three or four years past they had heard nothing about it within the walls of that House; but if there had been a pretext for alleging distress, could it be doubted that their table would have been loaded with petitions: that motions for the repeal of the Reciprocity Act would have been made; and that they would have had no end of complaints of every description. His hon. Friend, the Member for Sunderland, had said, that not one out of every three ships employed in this trade, made a second voyage in the year; but he seemed not to know that when they arrived here, they were sent to other places, while other ships proceeded in their stead to Canada. Whether the same ship went back again or not, did not make the slightest difference. There was one difficulty connected with the subject, which was worthy of consideration, namely, the present state of the colonies, which ought to be well considered before the Government could undertake to introduce any alterations. However unfounded they might consider the views of the colonists, they should take care not to do that which might add another grievance to those who supposed they had too many already. When the Government should consider the proper period arrived to bring it before Parliament they would be quite willing to do so on their own responsibility.

Mr. *Villiers* expressed his satisfaction at hearing what had been stated by the right hon. Gentleman, the President of the Board of Trade. It was pleasing to him and to those of his friends who entertained similar views with respect to the timber duties, to ascertain that the opinions of the right hon. Gentleman remained unchanged, and to find him as zealous a supporter of that important cause now, which he had advocated with so much usefulness and ability at a former period. He would admit, that there was great truth in what had been said with respect to the taste and feelings of that House. There was too little taste in that House for matters which affected the commercial interests of the great masses of the population. But, notwithstanding that disinclination upon the part of the House, he had felt it his duty to bring forward a subject of so much importance to the public, and he felt confident that the discussions upon it would awaken the public mind to their true interests. The public were closely watching their proceedings, and if they only read the discussions in that House they would be sufficient to demonstrate the truth of the objections which had been made to the present system, and the fallacy of the arguments that were brought forward by the advocates of monopoly. His right hon. Friend had so well answered the arguments of the hon. Alderman, that he felt it scarcely necessary to allude to them, further than to say, that the hon. Alderman wished them to prefer particular and local interests to the general interests of the people. Seeing the state of the House, and considering the speech of the right hon. President of the Board of Trade, he should not press his motion.

Motion withdrawn.

House immediately afterwards counted out.

HOUSE OF COMMONS,

Wednesday, July 10, 1839.

MINUTES.] Bills. Read a first time:—Slave Trade (Portugal).—Read a third time:—Pleadings in Court (India).

Petitions presented. By Mr. Wakley, from Finsbury, and other places, by Lord Worsley, Mr. Wilbraham, and Mr. Vernon Smith, from several places, for a Uniform rate of Postage.—By Mr. Brotherton, from Bradford, for Protection to British Commerce.—By Lord Worsley, from Exeter, for Education.—By Mr. O'Connell, from New Ross, against renewing the Bank of Ireland Charter.—By Lord G. Somerset, from Winkfield, and other places, against the Government plan of Education.—By Mr. Wakley, from Newcastle-on-Tyne, in favour of Universal Suffrage.

GERMANIC LEAGUE.] Mr. *Baines* wished to know whether her Majesty's Government had directed their attention to the approaching meeting of the German states at Berlin, on the Germanic commercial treaty, and whether it was their intention to send an envoy to watch over the interests of this country, and to endeavour to make arrangements which would be more advantageous to our commerce than those now in existence?

Mr. *P. Thomson* said, this subject had received the utmost attention from her Majesty's Government. It was not their intention to send out what was termed an envoy; but a Gentleman who was well acquainted with all the details of the subject would go out for the purpose of assisting the British authority there to obtain such changes as would be considered beneficial to the interests of this country.

METROPOLITAN POLICE.] On the order of the day for the report on the Metropolis Police Bill being read,

Mr. *Hume* wished to ask the noble Lord if her Majesty's Government would consent to the proposition he had made, some time since, that instead of placing the payment of the police on the consolidated fund, it should be made the subject of an annual vote, as it was wanted. He understood that the Chancellor of the Exchequer had been willing to accede to his proposition. The bill had gone through Committee very late the other night, and he had not an opportunity of proposing the introduction of a clause to that effect. He wished to ask the noble Lord whether, as he was in the habit of ordering the police wherever their services might be required, he did not propose the expenses of this force should be voted annually, in the same way as the army or the navy? He did not object to the amount; he wished the force to be maintained in an efficient state; but he wished it to be by annual vote; for instance, he was inclined to quarrel with the proceedings at Birmingham, but at present he had not the requisite information on the subject—but if this were made the subject of an annual vote, all discussions as to the conduct of the police could take place at the same time. He wished to know if the noble Lord would agree to his proposition.

Lord *John Russell* considered that such a course would be very inconvenient, and could not accede to the proposition of the hon. Gentleman.

Order of the day read.

Mr. *F. Maule* moved the re-committal of the Metropolitan Police Bill, in order to bring up the money clauses and amendments of which he had given notice.

Mr. *T. Duncombe* wished, before the Speaker left the chair, to put a question to the noble Lord at the head of the Home Department on the subject of the conduct of the metropolitan police at Birmingham on Monday night. He wished to know whether the accounts which appeared in the morning papers, with respect to a riot at Birmingham, were true or not? In one of the papers the statement was as follows:—

"Yesterday evening the military were again called out. There was a great assemblage of the people in the different parts of the town, but no indication of a riot until the police made their appearance. At seven o'clock a troop of the Royal Irish Dragoons galloped down Moor-street, and was quartered in the Wool-pack, an inn adjoining the Public-office. At eight o'clock the Rifles on duty at the public office turned out, and formed an advanced guard, leaving open spaces in their ranks, for several squadrons of dragoons, who at that moment came at a brisk trot down Moor-street, taking their station in the Bull-ring. A large body of the metropolitan police followed, supported by several companies of Rifles. The dragoons were stationed in all the avenues leading to the Bull-ring, after which no one was allowed to pass these lines. After some time, the police divided into sections, each section followed by a troop of dragoons. Immense crowds were attracted to the spot at this moment, and wherever the police saw them congregated they commenced an indiscriminate attack with their staves. Great confusion followed; men, women, and children were thrown down and trampled upon, while the police beleagured them right and left. Broken heads and arms, with other severe wounds, were the result. One man, who was returning from his work had his teeth knocked out. The poor fellow exclaimed, 'Am I in England?' Several special constables came up at the time, and expressed their horror at such proceedings. The police have made themselves so unpopular here, that it is the opinion of many that there will be no peace in Birmingham so long as they are left in it."

Was that statement correct or not?

Lord *J. Russell* entirely disbelieved that account. He had received letters from the Mayor of Birmingham, stating the circumstances which occurred entirely different from the statement read by the hon. Member, and saying that the town was now nearly restored to its ordinary state of quiet, and that business was now going on as usual.

Mr. *T. Duncombe* inquired whether the noble Lord had received any contradiction to the statement he had read?

Lord *J. Russell* replied, that he of course had not received any contradiction, because there had not been time for the authorities in Birmingham to have seen the account which had been read. The general account he had received made no mention of any circumstances at all resembling those read by the hon. Member. He had received accounts from the Mayor of Birmingham stating, that on Monday evening great numbers of persons, armed with bludgeons, had collected in certain parts of the town of Birmingham, and had endeavoured to get the colliers of the neighbourhood to come into the town and join them, and that these bodies of persons the police had been called upon to disperse, and had succeeded in that object.

House in Committee.

Mr. *F. Maule* moved to add a clause to the effect, that when any parish was added to the districts of the metropolitan police, it should be lawful for the Lords of the Treasury to issue their warrant for the payment of the portion of public contribution to the increased expense out of the consolidated fund, not being more than 2*d.* in the pound on the additional rental assessed to the police.

Mr. *Hume* objected to the provisions proposed in this clause, allowing the Lords of the Treasury at their discretion to make additional grants for the police out of the consolidated fund. If the reasons that were urged against this force were strong before, they had become infinitely more so since the proceedings that had recently occurred at Birmingham. That House should have a constitutional check over the police, and, therefore, the amount of public money granted should be in the shape of an annual vote, when their conduct might be canvassed. He should oppose this clause being added to the bill. In former times the Secretary of State directed the military to aid the civil power in any place where such aid was wanted. But this was a new power, serving the purposes of the military. Under these circumstances it was but fair and reasonable that that House should have an opportunity of annually canvassing the vote for their payment. It never was contemplated that they should be sent scouring through the country—not one word was said about that while the bill was going through the House for the formation of the force. He saw no difference between a red coat and a blue one. He therefore moved, that the 13th clause be omitted.

Lord *J. Russell* said, he could not admit the justice of the assimilation of the hon. Gentleman of the police force with the military. He thought it far better to call in the civil power on occasions like the one referred to, than to call in the yeomanry, as in the riots of 1819 at Manchester.

Mr. *Hume* said, he did not object to the amount, but to the principle. The vote should be an annual one, for as this force was used as a military force, it was proper that it should be under the annual control of Parliament.

The Committee divided on the clause:—Ayes 107; Noes 25; Majority 82.

List of the AYES.

Acland, T. D.
Am, Admiral
Ashley, Lord
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barrington, Viscount
Blair, James
Blake, W. J.
Briscoe, J. I.
Broadley, H.
Brownrigg, S.
Bryan, George
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Butler, hon. Col.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Chetwynd, Major
Craig, W. G.
Crawford, W.
Crompton, Sir. S.
Curry, Mr. Sergeant
Dalmeny, Lord
Darlington, Earl of
Donkin, Sir R. S.
East, J. B.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R. A.
Freemantle, Sir T.
Godson, R.
Graham, rt. hn. Sir J.
Grosvenor, Lord R.
Hardinge, rt. hon. Sir H.
Hawes, B.
Hayter, W. G.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hoskins, K.
Howick, Viscount
Hughes, W. B.
Hutt, W.
Hutton, R.
Ingestrie, Viscount
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Knight, H. G.
Labouchere, rt. hn. H.
Liddell, hon. H. T.
Lowther, J. H.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, T. B.
Mackenzie, T.
Mackinnon, W. A.
Macleod, Roderick
Mahon, Viscount
Marshall, W.
Maule, hon. F.
Maunsell, T. P.
Morpeth, Viscount
Norreys, Lord
Oswald, J.
Packe, C. W.
Paget, F.
Palmerston, Viscount
Parker, J.
Perceval, hon. G. J.
Philips, G. R.
Redington, T. N.
Round, C. G.
ound, J.
Rushbrooke, Col.
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Sheppard, T.
Sibthorp, Col.
Sinclair, Sir G.
Slaney, R. A.
Somerset, Lord G.
Stanley, hon. E. J.
Stewart, J.
Stuart, Lord J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Turner, E.
Waddington, H. S.
Wall, C. B.
White, A.
Williams, W. A.
Wilshere, W.
Wodehouse, E.
Wood, C.
Wrightson, W. B.

TELLERS.

Grey, Sir G.
Solicitor-general, Mr.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Bruges, W. H. L.
Chichester, J. P. B.
Duncombe, T.
Evans, G.
Ewart, W.
Fielden, J.
Harvey, D. W.
Hector, C. J.
Law, hon. C. E.
Leader, J. T.
Molesworth, Sir W.
Muskett, G. A.
O'Connell, D.
Pattison, J.
Rundle, J.
Salwey, Col.
Thornely, T.
Turner, W.
Wakley, T.
Walker, R.

Warburton, H.
Williams, W. A.
Wood, T.

TELLERS.
Hume, J.
O'Brien, W. S.

Clause agreed to.

On clause 27, which imposes a penalty of 10*l.* or imprisonment of one month, for obstructing or resisting the police,

Mr. *William Williams* said, that this clause gave powers which he would not confer on the magistrates. It provided that every person who assaulted or resisted the police constables in the execution and discharge of their duty should be liable to a penalty of 10*l.*, or subject to a month's imprisonment; but for his own part he thought the police constables were already sufficiently protected. He could not forget what had been the conduct of the force sent down to Birmingham the other day. The disturbances were created by them and not by the people, for the people had no intimation of the existence of such a force in the town until they were set upon and attacked by their staves. It was under such circumstances that the people resisted. Now, under this bill, a person raising his arm merely to defend himself from a blow would be liable to imprisonment; and could it be supposed that the magistrates at Birmingham under the present circumstances of excitement, would not convict in such a case? His objection, however, rested principally on the abuse which might arise out of the clause, and from his feeling apprehensive that the police force might frequently be called on to act at a distance. He should, therefore, move the rejection of the clause.

Lord *John Russell* said, that as the whole of the clauses except the money clauses had been already discussed, he must object to their arguing them over again.

Clause agreed to.

On Clause 29,

Mr. *Wakley* said, that as the object of this clause was to raise the salaries of the commissioners of the police from 800*l.* a-year, to 1,200*l.*, he must object to it, and take the sense of the House upon it, even if he were to stand alone. If in the first instance, when they had difficulties to contend with, 800*l.* was deemed a sufficient salary to be paid to those functionaries, surely now when they had got into smooth water—when they had surmounted all the difficulties arising from the introduction of a new measure—there could be no good ground in point of reason for increasing their salaries one-third. He must, therefore, move the rejection of this clause.

Mr. *O'Connell* said, that he certainly should vote against the motion of his hon. Friend, the Member for Finsbury, because he thought it a good principle that those who served the public well should be well paid. He thought that it could not be denied by any one, that the commissioners of police had done their duty admirably, and in a manner which exhibited not only good temper, but sound and wise discretion. He hoped, therefore, the House would adopt the clause.

Sir *R. Peel* said, that he entirely approved of the proposal of her Majesty's Government, for increasing the salaries of the commissioners of police, and he thought it could be no reflection on the economy of the Government thus to reward meritorious public services. Indeed he considered this to be true economy. When he brought forward the measure establishing the new police, immediately after he had carried the Emancipation Bill, it encountered much opposition, but at the time he felt convinced that the value of such a force would be admitted in the course of three or four years. His anticipations in this respect had been fully realised; and although there might be a few parish officers who would like to have the matter in their own hands, sure he was, that the respectable part of the community had no wish to return to the old miserable system of parish constables. He was satisfied that if such a proposition were now made it would be deemed monstrous by the thinking part of the public; and he would only say, in addition, that no men could exercise the patronage which they possessed in a more fair and exemplary way than the commissioners had done, as far as his knowledge extended. At the time he brought forward the measure, he knew that the salaries he proposed were too low for duties which would press so heavily on the health and strength of those who had to discharge them; but he then stated that, as it was a mere experiment, he should leave it to a future Government, whether he were connected with it or not, to make the necessary increase which ought to be given. He believed that even a whisper on the subject had never come from either of the commissioners; but their forbearance was no reason why that House should not do them justice.

Sir *Robert Inglis* said, that he was one of those who had objected to the introduction of the new police; but from the experience which they had had of that force he was bound to say, that he was entirely satisfied with it. He thought the proposition of the Government a reasonable one, and therefore it should have his support.

Lord *J. Russell* was sure there could be but one opinion with respect to the manner in which the police commissioners had discharged their duty, which was most efficiently; and he could confirm what the right hon. Baronet the Member for Tamworth had stated, that no suggestion for an increase in their salaries had ever been made by either of them.

Colonel *Sibthorp* agreed that the commissioners of police were inadequately paid. He thought they were fully entitled to 1,200*l.* a-year., and he should also like to see an increase of 50*l.* a-year made in the salaries of the superintendents and inspectors. The present pay of the constables was in his opinion too small, and for his own part he should be most willing to vote an additional shilling a week to them. It would be well to give to all departments of the police some little stimulus to encourage their good conduct.

Mr. *Fox Maule* did not think, that comparing the pay of the police with the wages of other persons in an equal class at other employments, it was too low notwithstanding he valued their exertions very highly.

Mr. *Pryme* was in favour of an augmentation of the salaries of the police generally. It was not fair to compare them with persons at other employments. Theirs was an office of trust, and it ought to be paid in such a way as would place them above temptation.

Mr. *Williams* would support the amendment of the hon. Member for Finsbury. He considered the condition of the finances as well as the condition of the people, who paid taxes for the maintenance of those officers, was not such as to warrant an increase in the salaries of any person. Let the House look at the condition of the working classes. Many could not get employment, and those who did had to work fourteen or fifteen hours a day for 8*s.* or 9*s.* a week, and the House had managed pretty well to throw the taxes on those articles that were consumed by the working classes. He would oppose not only an increase in the salaries of the police commissioners, but in all salaries. There was no disposition towards economy on the part of the present Government. He had scarcely seen an instance of their proposing a reduction of salaries, but whenever the question of salaries was brought before the House by the Government, it was always accompanied with a recommendation to increase them. He thought it was time for the House to make a stand against all such propositions, and he hoped his hon. Friend would divide the House upon this question.

Mr. *Wakley* thought it was the duty of the House to be just to the public before it was liberal to individuals. He was not surprised at the right hon. Baronet opposite (Sir R. Peel) supporting an increase in the salaries of the commissioners, for he believed, that if the proposition had been to allow them 2,000*l.* a year, the right hon. Baronet would have supported it. He knew the House was ready to vote away the money on every occasion, except it was for the education of the people. His object was to show to the people what the character and conduct of the House on these subjects was, and he was satisfied, that the more the people saw the disposition and feeling of the House, the more general would become the cry throughout the kingdom for a thorough reform. It was impossible for them to make their property secure by paying the police well—they must have the confidence of the people, and if, at a time when the labouring people were hardly remunerated for their industry, the public money was voted away to increase the salaries of officers, it was scarcely possible to predict what would become of those great interests that ought to be held together for the maintenance of the integrity and power of the nation. The present proposal was a specimen of what the Government were prepared to do in the way of increasing public salaries. Since he had been in the House, he never recollected hearing a proposition made for decreasing the salaries of public officers, although on multitudinous occasions had propositions been made for increasing them. No proof was shown that the labours of the commissioners would be increased. But if the right hon. Baronet

(Sir R. Peel) had held out to those Gentlemen, when they first accepted their offices, that there would at a future period be an increase, or had made any engagement to that effect, then he would at once withdraw his motion. But if they accepted the office without any such engagement having been made, then he did think, considering the state of the finances of the country, this was not the time to make an increase in salaries.

Sir *R. Peel* felt bound to say, that nothing of the sort had ever been held out to the commissioners by him.

Mr. *Sanford* observed, that the present Government had proposed a reduction in the salaries of all the great officers of the State.

Mr. *Hume* having been made a member of the Police Committee, would state that every Member in that committee had recommended an increase in the salaries of the commissioners. He concurred in that recommendation, and was prepared to support the vote. The present bill would greatly augment their duties, and the proposition now made, was only a fair remuneration.

Mr. *Fielden* would support the hon. Member for Finsbury. The House would recollect, that an inquiry was instituted by the House on the motion of his late colleague (Mr. Cobbett) out of which the police did not come very clear, for it was fully established, that the man named Popay had been employed as a spy. The system adopted by the commissioners of sending spies throughout the country was only calculated to create anarchy and confusion. The police had been established for the purpose of coercing the people, and he trusted the hon. Member for Finsbury would persevere in dividing the House on the proposition now made.

Mr. *Hawes* said, that not one shred of the case at first stated by the late Member for Oldham (Mr. Cobbett) was supported before the committee to which the hon. Gentleman who had just sat down had alluded. On the contrary, it had utterly failed. The report of that committee stated, that the conduct of the commissioners was highly honourable, and that the men deserved the approbation of the public.

The Committee divided on the clause:—Ayes 87; Noes 7; Majority 80.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Aglionby, H. A.
Baring, F. T.
Barnard, E. G.
Bolling, W.
Briscoe, J. I.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, Sir J.
Courtenay, P.
Crompton, Sir S.
Darby, G.
Divett, E.
Elliot, hon. J. E.
Estcourt, T.
Evans, W.
Finch, F.
Forester, hon. G.
Goddard, A.
Gordon, R.
Grey, rt. hon. Sir G.
Harvey, D. W.
Hawes, B.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hughes, W. B.
Hume, J.
Hutton, R.
Inglis, Sir R. H.
Knatchbull, rt. hn. Sir E.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lushington, rt. hon. S.
Mackenzie, T.
Macleod, R.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Morris, D.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, J.
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pattison, J.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Pryme, G.
Rice, E. R.
Rice, right hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Sheil, R. L.
Sibthorp, Colonel
Smith, B.
Stanley, hon. E. J.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Style, Sir C.
Teignmouth, Lord
Turner, E.
Waddington, H. S.
Ward, H. G.
White, A.
Williams, W. A.
Wodehouse, E.
Wood, C.
Wood, T.
Yates, J. A.

TELLERS.

Troubridge, Sir T.
Parker, J.

List of the NOES.

Brotherton, J.
Duncombe, T.
Dungannon, Viscount
Fielden, J.
Hall, Sir B.
Hector, C. J.
Vigors, N. A.

TELLERS.

Williams, W.
Wakley, T.

On Clause 53,

Mr. *T. Duncombe* said, it was extremely objectionable to the licensed victuallers, inasmuch as it prohibited publicans supplying persons with liquor under fourteen years of age.

Mr. *F. Maule* said the proposed amendments had been assented to by the parties interested.

Mr. *Harvey* had presented a petition from the chairman and committee of the licensed victuallers, in which they particularly called the attention of the House to this clause, and spoke of it as subjecting the trade to vexatious proceedings by informers. What they suggested was, that the word "apparently" should be introduced, so that when a case came before a magistrate the question might be raised whether the party might not have been led into an error.

Mr. *Aglionby* said, if the word "apparently" was introduced, the word "knowingly" must be struck out.

Mr. *T. Duncombe* said, that he had the honour of dining the other day with 3,000 licensed victuallers—who, one and all, requested him to endeavour to get the present clause expunged. Why not go to twenty-one at once, instead of drawing the line of culpability between the ages fourteen and sixteen.

Mr. *Law* hoped that all dubious words would be left out of this clause, otherwise the most indecorous scenes would take place at police-offices, on the question arising whether a girl were fourteen or sixteen years old; police constables would be controverting each other's opinions as to what age the girls' appearance suggested.

Mr. *Wakley* said, the only way to be certain on such a point was not to employ uninitiated persons. The magistrates must employ doctors.

Mr. *Duncombe* moved, that the clause be expunged.

The Committee divided on the question, that the clause stand part of the bill:—Ayes 29; Noes 20: Majority 9.

List of the Ayes.

Aglionby, H. A.
Baring, F. T.
Barnard, E. G.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Buller, C.
Butler, hon. Col.
Evans, W.
Ferguson, Sir R. A.
Harvey, D. W.
Hawes, B.
Hoskins, K.
Howick, Viscount
Hughes, W. B.
Hutton, R.
Maule, hon. F.
Norreys, Sir D. J.
O'Connell, J.
Plumptre, J. P.
Pryme, G.
Rice, E. R.
Rolfe, Sir R. M.
Rundle, J.
Stewart, J.
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Williams, W. A.

TELLERS.
Grey, Sir G.
Wood, C.

List of the Noes.

Bagge, W.
Clay, W.
Darby, G.
Estcourt, T.
Fenton, J.
Finch, F.
Hall, Sir B.
Hobhouse, T. B.
Hume, J.
Humphery, J.
Knatchbull, rt. hn. Sir E.
Law, hon. C. E.
Marsland, H.
Pattison, J.
Sibthorp, Colonel
Smith, B.
Stock, Dr.
Vigors, N. A.
Wood, T.
Yates, J. A.

TELLERS
Duncombe, T.
Wakley, T.

Mr. *Fox Maule*, on clause 54, which regulates the assembling of certain persons in public-houses, said it would be a great improvement. It was copied from the Liverpool Police Act.

Mr. *Estcourt* thought the clause not necessary.

Mr. *Hawes* thought the risk of losing their licences would keep the publicans under restriction enough.

Mr. *Law* said, that there was not an infringement upon the liberty of the subject which might not be extracted from some local act.

The Committee divided on the Clause:—Ayes 23; Noes 34:—Majority 11.

List of the Ayes.

Aglionby, H. A.
Bagge, W.
Baring, F. T.
Barnard, E. G.
Briscoe, J. I.
Brotherton, J.
Craig, W. G.
Evans, W.
Ewart, W.
Grey, right hon. Sir G.
Howick, Lord Visct.
Hutton, R.
Macleod, R.
Parnell, rt. hn. Sir H.
Plumptre, J. P.
Rice, E. R.
Rolfe, Sir R. M.
Stewart, J.
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Wood, C.
Yates, J. A.

TELLERS.
Maule, hon. F.
Pryme, G.

List of the Noes.

Broadley, H.
Buller, C.
Butler, hon. Colonel
Clay, W.
Darby, G.
Duncombe, T.
Estcourt, T.
Ferguson, Sir R. A.
Finch, F.
Hall, Sir B.
Harvey, D. W.
Hector, C. J.
Hobhouse, T. B.
Hoskins, K.
Hughes, W. B.
Humphery, J.
Knatchbull, rt. hn. Sir E.
Law, hon. C. E.
Lushington, rt. hon. S.
Marsland, H.
Morris, D.
Norreys, Sir D. J.
O'Connell, J.
Pattison, J.
Rice, right hon. T. S.
Rundle, J.
Sibthorp, Colonel
Smith, B.
Stock, Dr.
Vigors, N. A.
Wakley, T.
Wilkins, W.
Williams, W. A.
Wood, T.

TELLERS.
Hawes, B.
Hume, J.

Clause rejected.

On Clause 59,

Mr. *Hume* observed, that he thought, in the clause prohibiting "unlawful" games, there should be some definition of what were "unlawful" games. Was cribbage unlawful?

Mr. *Wakley* asked why, poor boys should be liable, for betting or gaming, with a tossing of halfpence, &c. in the streets, to a penalty of five shillings. The police might, in fact, under this bill, seize persons betting at Tattersall's, or on a race course.

Mr. *F. Maule* would inquire, whether the hon. Member were not aware, how prejudicial bad habits proved, and that boys who began with tossing halfpence on a tomb-stone, generally ended badly?

The *Solicitor-General* said, these acts were now unlawful.

Mr. *Clay* doubted, whether the House were not becoming rather pharisaical in legislation, and whether it was not straining at a gnat and swallowing a camel, to subject a poor man to a penalty of five shillings for tossing up, after a hard day's work, who shall pay for a pint of beer. He could not agree to the clause, unless it were limited to gaming with any instrument or table, &c.

The *Solicitor-General* said, the clause would then be useless, for it would only be the law as it now stood.

Colonel *Wood* said, it would be ridiculous, that a boy "tossing up" inside a house should do it with impunity, while a boy tossing up outside a house should be liable to a penalty of five shillings.

Mr. *C. Buller* objected to giving the police so vague a power, to interfere with a practice generally, in the custom of the country, considered harmless. Take, for instance, the case of betting on a division —I meet a Tory in St. James's-street—he says, "We shall have a majority on the Education question;" "I'll bet you so-and-so you'll not." Why, a police officer might carry us both to the magistrates. Or, suppose betting in this House—it is a public house—and there is scarcely a great division in which I don't pick up a shilling or two in an honest bet; yet under the words "or betting," this would be unlawful.

Mr. *Fox Maule* would have no objection to leave out the words "or betting."

Mr. *Hume* thought, if it were considered advisable to remedy the vices of the age, it should be made the subject of a general bill; but he objected to making that a crime in one place which was not so in another.

Mr. *Wakley* would suggest the propriety of expunging the clause altogether, as there was no difference in principle between that and the present law. He had seen the metropolitan police on Epsom Downs, where gaming tables were in active operation, and the police did not interfere.

Mr. *Fox Maule:* They had no power.

Mr. *Law* thought it desirable, if the Vagrant Act were defective, that it should be amended; but he did not see why a measure of such a stringent nature should be introduced, applicable solely to the metropolitan districts.

Mr. *E. Turner* understood it was proposed by this clause, to make it illegal to toss pence; he wished to know, if it would be illegal to play quoits?

Mr. *G. Wood* said, playing at quoits was a game of skill, but chuck-farthing was a game of hazard.

Mr. *Hume* said, that it really was a clause intended to put down chuck-farthing, and it ought to be so stated. Was it fit that the House should spend three hours in legislating about chuck-farthing.

Mr. *C. Buller* could not judge whether the intention of the clause was to put down obstructions to the public thoroughfare, or to put down gambling. What was the meaning of the Solicitor-General's argument? At Harrow-on-the-Green, by the road-side, the rustics were in the habit of playing quoits—now if they betted a pot of porter on the game it would be against the law according to the Solicitor-General's opinion. Although his hon. Friend, on his suggesting that the words on betting would effect genteel people, had very properly consented to withdraw them —yet he agreed with the Learned Recorder of London that the clause should be expunged.

Mr. *Clay* moved the omission of the clause.

The Committee divided on the question that the Clause stand part of the Bill. Ayes 27; Noes 36:—Majority 9.

List of the AYES.

Bagge, W.
Barnard, E. G.
Crompton, Sir S.
Darby, G.
Donkin, Sir R. S.
Estcourt, T.
Evans, W.
Ferguson, Sir R. A.
Grey, rt. hon. Sir G.
Hawes, B.
Howick, Viscount
Hughes, W. B.
Hutton, R.
Macleod, R.

Maunsell, T. P.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Plumptre, J. P.
Rice, E. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Round, C. G.
Sanford, E. A.
Teignmouth, Lord
Troubridge, Sir E. T.
White, A.
Wood, G. W.

TELLERS.

Maule, F.
Pryme, G.

List of the NOES.

Aglionby, H. A.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Clay, W.
Courtenay, P.
Duncombe, T.
Ellis, W.
Ewart, W.
Fielden, J.
Finch, F.
Hall, Sir B.
Harvey, D. W.
Hector, C. J.
Hobhouse, T. B.
Hoskins, K.
Hume, J.
Humphery, J.
Law, hon. C. E.
Marsland, H.
Morris, D.
Muskett, G. A.
O'Connell, J.
Pattison, J.
Pechell, Captain
Rundle, J.
Rushbrook, Colonel
Smith, B.
Stock, Dr.
Thornely, T.
Turner, E.
Vigors, N. A.
Wilbraham, G.
Wood, T.
Yates, J. A.

TELLERS.

Sibthorp, Colonel
Wakley, T.

Clause rejected.

On clause 66 prohibiting nuisances.

Colonel *Wood* proposed the insertion of the words "within the weekly Bills of Mortality, or in the streets of any town." His object was to confine the operation of the clause to the town, and prevent it extending to the rural districts.

Mr. *F. Maule* objected to the insertion of the words.

Colonel *Wood* reminded the hon. Member that he had given a pledge when the Bill was last before the House that he would devise means to prevent the clause extending to the rural districts.

Mr. *F. Maule* said, the hon. and gallant Member was mistaken. His promise referred to the 68th. and not to the 66th clause. He wished to explain to the Committee that the clause contained 19 sections, every one of which was at present the law of the land; but his object was to bring them all together, so that it could be ascertained at once what was the police law, instead of being obliged to refer to various Acts of Parliament.

Mr. Alderman *Humphery* objected to Colonel Wood's amendment, as by confining the operation of the clause to the Bills of Mortality it would exclude Greenwich, Woolwich, Bromley, and other large places.

The Committee divided on the amendment. Ayes 19; Noes 80:—Majority 61.

List of the AYES.

Attwood, W.
Bagge, W.
Broadley, H.
Bruges, W. H. L.
Chute, W. L. W.
Cole, Viscount
Darby, G.
Eaton, R. J.
Freshfield, J. W.
Hector, C. J.
Hodgson, R.
Hume, J.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Jervis, J.
Law, hon. C. E.
Mackenzie, T.
Polhill, F.
Rushbrooke, Colonel

TELLERS.

Wood, T.
Sibthorp, Colonel

List of the NOES.

Aglionby, H. A.
Alston, R.
Attwood, T.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Briscoe, J. I.
Browne, R. D.
Campbell, Sir J.
Cavendish, hon. G. H.
Clay, W.
Craig, W. G.
Crompton, Sir S.
Curry, Mr. Sergeant
Duncombe, T.
Elliot, hn. J. E.
Ellis, W.
Estcourt, T.
Evans, W.
Fielden, J.
Ferguson, Sir R. A.
Grey, rt. hon. Sir G.
Hall, Sir B.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hobhouse, T. B.
Hope, hon. C.
Hughes, W. B.
Hutt, W.
Hutton, R.
Labouchere, rt. hn. H.
Lushington, C.
Lushington, rt. hn. S.
Macleod, R.
Marsland, H.
Martin, T. B.
Maule, hon. F.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hon. Sir H.
Pattison, J.
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, W.
Rolfe, Sir R. M.
Round, C. G.
Russell, Lord J.
Sanford, E. A.
Scholefield, J.
Smith, R. V.
Somerville, Sir W. M.
Spencer, hon. F.
Stanley, hon. E. J.
Stock, Dr.
Teignmouth, Lord
Thompson, Mr. Ald.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Walker, R.
White, A.
Williams, W.
Wood, C.
Wood, G. W.
Yates, J. A.
Young, J.

TELLERS.

Gordon, R.
Humphery, J.

Mr. *J. Jervis* moved the omission of the words "or feed or fodder."

The Committee again divided on the question that the words proposed to be left out stand part of the clause. Ayes 62; Noes 32:—Majority 30.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Baines, E.
Baring, F. T.
Barnard, E. G.
Brotherton, J.
Campbell, Sir J.
Cavendish, hon. G. H.
Clay, W.
Courtenay, P.
Craig, W. G.
Crompton, Sir S.
Curry, Mr. Serg.
Elliot, hon. J. E.
Evans, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Gordon, R.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Henniker, Lord
Hobhouse, T. B.
Hope, hon. C.
Hotham, Lord
Hughes, W. B.
Hutt, W.
Inglis, Sir R. H.
Lushington, C.
Lushington, rt. hon. S.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Parnell, rt. hon. Sir H.
Pattison, J.
Pechell, Captain
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sandon, Viscount
Spencer, hon. F.
Stanley, hon. E. J.
Stewart, J.
Stock, Dr.
Style, Sir C.
Thomson, rt. hn. C. P.
Thompson, Mr. Ald.
Thornely, T.
Troubridge, Sir E. T.
Wakley, T.
Wood, C.
Young, J.

TELLERS.

Maule, F.
Hawes, B.

List of the NOES.

Aglionby, H. A.
Archdall, M.
Attwood, W.
Attwood, T.
Beamish, F. B.
Broadley, H.
Bruges, W. H. L.
Chute, W. L. W.
Cole, Viscount
Duncombe, T.
Ellis, W.
Gaskell, J. M.
Hall, Sir B.
Hector, C. J.
Hodgson, R.
Jackson, Mr. Sergeant
Law, hon. C. E.
Mackenzie, T.
Marsland, H.
O'Brien, W. S.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Scholefield, J.
Sibthorp, Colonel
Somerville, Sir W. M.
Teignmouth, Lord
Turner, W.
Vigors, N. A.
Waddington, H. S.
Williams, W.
Wood, G. W.
Wood, T.

TELLERS.

Hume, J.
Jervis, J.

Amendment rejected.

On clause 67.

"That every person who shall be found drunk in any street or public thoroughfare, and who, while drunk, shall be guilty of any riotous or indecent behaviour, may be committed, if the magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary penalty, to the House of Correction, for any time not more than seven days.

Mr. *T. Duncombe* thought, that the latter provision or punishment should be made a separate clause. As the law stood, the punishment of the vice of drunkenness was most disproportionate between the poorer and richer classes. A fine was inflicted which fell very heavy on the former, but was hardly felt by the latter. If the fine of five shillings was imposed on the poor man for this offence, the rich man should be fined *5l.* under the same circumstances. This bill, also, only made provision for a distance of fifteen miles round the metropolis; therefore what would be an offence at Hounslow would not be so at Windsor. If these provisions were good in this change of the law they should be made general, and he objected to such partial legislation. Would the punishment proposed in this bill ever be inflicted on the richer classes? He doubted it very much; and even in the city, if it should happen that Alderman A was brought before Alderman B for being drunk and guilty of riotous conduct in a public place, would he send him to prison. Most assuredly not, although he would not for a moment hesitate to send his workmen there. He should feel it to be his duty to propose, as an amendment to the clause, that the following words be added,

"And be it further provided, for the sake of good example, and for the prevention of the vice of drunkenness, that any person moving in what are called the higher grades or walks of society found drunk in any street or public place shall, if it shall seem expedient to the magistrate before whom the complaint is made, be committed, with or without hard labour, for a period not exceeding seven days to the House of Correction, instead of inflicting any pecuniary fine."

Mr. *F. Maule* did not wish to draw any distinction between the vice of drunkenness in the higher or lower classes. Under these circumstances, he had proposed that in lieu of a fine, a magistrate might send an offender to prison when guilty of riotous and indecent conduct while drunk, instead of inflicting a pecuniary penalty. He did not think that it would be very dangerous to ask the House to consent to this principle.

The Amendment negatived.

Mr. *Darby* objected to the clause, because he thought it was improper to have "drunkenness" mixed up in the same clause with "indecent behaviour," which was a much more serious offence. As the clause stood, both were to be visited with the same penalty, which he thought was highly improper, and, in his opinion, there ought to be a separate clause for the indecent exposure of the person.

Mr. *F. Maule* said, that the two offences had been placed in the same clause at the suggestion of the noble Lord the Member for Liverpool. He, however, saw no objection to the separation proposed by the hon. Member, and he should therefore omit that part of the clause which related to the crime of exposing the person, and introduce a distinct clause upon the subject. It should, however, be recollected that this was an indictable offence, and there was no intention to interfere with that mode of proceeding.

Amendment negatived.

Mr. Alderman *Thompson* said, that he felt it to be his duty to oppose the clause. It would render the law with regard to drunkenness different in the metropolis and the other parts of the country. He thought such a course anything but expedient, and for that reason he must move the rejection of the clause.

The Committee divided on the clause.—Ayes 57; Noes 10:—Majority 47.

Acland, T. D.
Aglionby, H. A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Clay, W.
Cole, Viscount
Craig, W. G.
Crompton, Sir S.
Eliot, hon. J. E.
Estcourt, T.
Evans, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Gordon, R.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, T. B.
Hotham, Lord
Howard, Sir R.
Hughes, W. B.
Hume, J.
Inglis, Sir R. H.
Jervis, J.
Law, hon. C.
Macleod, R.
Marsland, H.
Melgund, Viscount
Morpeth, Viscount
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Ferrall, R. M.
Pechell, Captain
Pigot, D. R.
Plumptre, J. P.
Rice, E. R.
Rice, rt. hn. T. S.
Rolfe, Sir R. M.
Rushbrook, Colonel
Shaw, rt. hon. F.
Sheppard, T.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stock, Dr.
Style, Sir C.
Teignmouth, Lord
Tennent, J. E.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Warburton, H.
Wood, G. W.

TELLERS.
Maule, F
Lord Advocate

List of the NOES.

Darby, G.
Hall, Sir B.
Hastie, A.
Hector, C. J.
Hodgson, R.
Pattison, J.
Salwey, Col.
Scholefield, J.
Williams, W.
Wood, T.

TELLERS.
Thompson, Alderman
Duncombe, T.

Clause to stand part of the bill.

House resumed, Bill to be reported.

HOUSE OF LORDS,

Thursday, July 11, 1839.

MINUTES.] Bills. Read a first time:—Pleadings in Court (India).—Read a third time:—Ecclesiastical Districts.

Petitions presented. By the Earl of Fingall, from one place, against the Prisons Bill.—By the Bishop of Exeter, from the city of Exeter, to the same effect.—By the Earl of Glengall, from one place, against the Appointment of Roman Catholic Chaplains to English Gaols.

EDUCATION—HER MAJESTY'S ANSWER TO THE ADDRESS.] The *Lord Chancellor* had to inform their Lordships, that the House had that day waited upon her Majesty at Buckingham Palace, and had presented an Address, to which her Majesty had been pleased to return the following gracious answer:—

"I duly appreciate your zeal for the interests of religion, and your care for the Established Church.

"I am ever ready to receive the advice and assistance of the House of Lords, and to give to their recommendations the attention which their authority justly deserves.

"At the same time, I cannot help expressing my regret that you should have thought it necessary to take such a step on the present occasion.

"You may be assured that, deeply sensible of the duties imposed upon me, and more especially of that which binds me to the support of the Established Church, I shall always use the powers vested in me by the Constitution for the fulfilment of that sacred obligation.

"It is with a deep sense of that duty that I have thought it right to appoint a Committee of my Privy Council to superintend the distribution of the grants voted by the House of Commons for public education. Of the proceedings of this Committee annual reports will be laid before Parliament, so that the House of Lords will be enabled to exercise its judgment upon them; and I trust that the funds placed at my disposal will be found to have been strictly applied to the objects for which they were granted, with due respect to the rights of conscience, and with a faithful attention to the security of the Established Church."

The answer was ordered to be printed in the journals.

ADMINISTRATION OF THE POOR-LAW.] Earl *Stanhope* said, that it might be in the recollection of their Lordships, that some months ago he had presented a petition from an aged individual, named John Berry, who having arrived at extreme old age, and being entirely incapable of work, received from the guardians of the Worksop Union 2*s.* a-week towards the support of himself and his wife, being at the same time allowed a payment of four guineas a-year for house-rent. He had on that occasion stated, that this aged and respectable individual, being in arrear for rent, had requested the guardians of the Worksop Union that his rent might be paid for him, and that this request was not only refused, but he was informed, that if any further application were made upon the subject, his allowance of 2*s*. a-week would be cut off. He made this statement without any note or comment; but this act was so monstrous, and so repugnant to all the feelings which ought to animate the human heart, that, unacquainted as they were with the acts of grievance and oppression which were daily exercised under the New Poor-law Act, several noble Lords, and his noble Friend near him, rose in their places to express a degree of incredulity, thinking it utterly impossible that in a Christian, or even civilized country, such acts should take place. He had been informed that his noble Friend near him (Lord Wharncliffe) had instituted an inquiry into the case, and he wished to learn whether his noble Friend had received any report from the guardians, and if so, whether any proceedings had been taken in consequence of such report? He also wished to know whether the noble Duke (Portland), for whom he entertained the greatest personal respect, and whom, on that account, he grieved to see occupying the situation of chairman of the board of guardians of the Worksop Union, had any statement to submit to their Lordships with respect to this case?

The Duke of *Portland* said, that it was perfectly true, as the noble Earl stated, that the pauper alluded to was in the habit of receiving 2*s.* a-week from the parish to which he belonged. In the beginning of 1837, the attention of the board of guardians was drawn to the fact that they could not legally pay his rent, and upon that a question arose whether an allowance should be given him to make up for the loss of the payment of his rent. On that occasion it was stated by Mr. Wright, one of the guardians of St. John's parish, that he was acquainted with the case, and knew that the relatives of the pauper were both able and willing to pay for his support. He thought that this statement entirely disposed of the case as represented by the noble Earl. If the noble Earl should say, that the guardians ought not to have paid any attention to Mr. Wright's statement, all he need observe was, that they knew better than the noble Earl what sort of regard ought to be given to that gentleman's word

Lord *Wharncliffe* had made inquiries into this case, and he felt bound to state the result of them to their Lordships. He could not help regretting that the noble Duke should have taken the view he had done of the case, because it did not appear to be borne out by the facts. He had not had any direct or official communication with the Board of Guardians of Worksop, but had made inquiries by letter addressed to the Clerk of the Board, and the statement he had received was to the following effect:—The pauper in question was in his ninety-first year of age; was exceedingly infirm, having broken his arm, and had his shoulder put out. His wife was between sixty and seventy years old. He belonged to the parish of St. John's, and until the passing of the New Poor-law, received from the parish an allowance of 2*s.* a-week, and had his rent paid. After the Board of Guardians of Worksop was constituted, they thought right to stop the payment of the rent, though the allowance of 2*s.* was continued. After the lapse of some time the poor man got into great difficulties, and his goods were seized for rent. A representation of the circumstances was made by the parish of St. John's, backed by the overseer, to the board of guardians, who were requested to give the poor man an allowance for his rent. The answer returned was, that the man must come into the workhouse. This he refused to do, and was consequently reduced to a state of the greatest want. The board of guardians did, as the noble Duke had stated, imagine that the man had relations who would support him; but upon inquiry, he found that the only relative the man had was a person who had married his niece, and who stated that he had only sufficient means for his own maintenance; in fact, the utmost he had given the poor man was 6*d.* at a time. It was true, that the man's wife had in former years worked in gentlemen's gardens, but was unable to earn more than 1*s.* a-day, even when she obtained employment. It, therefore, appeared that there was nobody standing in that degree of relationship to the man as to be compelled, either by law or even a moral sense of duty, to support him. The Poor-law Commissioners, after inquiry, felt so satisfied of the hardship of the case, that they recommended the Board of Guardians to make an allowance of 5*s.* a-week.

Earl *Stanhope* said, it was unnecessary for him to add a single word to the clear statement made by the noble Lord near him. He might, however, be permitted to say, that the statement that the man had received assistance from relations was sufficiently refuted by the fact that he was reduced to the greatest distress, and would have had his goods distrained for rent if it had not been for the interference of some person with more humanity than the Board of Guardians.

Earl *Fitzwilliam* thought, if John Berry did not make his application for relief in a proper way, it would have been most imprudent in the Board of Guardians to attend to the representations of overseers belonging to a different parish.

Earl *Stanhope* said, he had now to present a petition referring to a case which occurred in the same Union of Worksop, It was the petition of a poor woman. named Ann Wilden. She stated that her sister, Mary Wilden, now deceased, formerly lived with her brother, and was allowed 2*s.* a-week from the parish funds for her maintenance. Since the age of ten years she had been subject to fits, and incapable of providing her own support, and yet, since the passing of the new Poor-law, the allowance formerly made had been withdrawn. She was removed to the workhouse of the Worksop Union, and at the time of her removal she was represented to have been as well as ever. He entreated their Lordships' attention to this part of the statement. On the 17th of February last the petitioner, hearing that her sister was very ill, went to the workhouse, and found her in a filthy and horrible condition. She consequently offered to remove her sister from the workhouse, but she was informed by the governor that she must do so at her own risk, meaning thereby that she would be allowed nothing towards the expense of removal. The petitioner stated, that her sister informed her that she had been confined to bed in the workhouse, and put under the sole care of an Irishwoman, who was called the matron; that she had only seen the doctor twice or thrice, who had never given her medicine or dressed her wounds, and that she was ill-treated by this matron. The petitioner was therefore, of opinion that the death of her sister was to be attributed to the discomfort, suffering, and neglect, she had endured in the workhouse, and considered that the tearing of the poor woman from all those who were naturally disposed to attend to her, and the placing her under the sole care of a stranger, was an inhuman proceeding. The petitioner concluded by praying their Lordships not to renew so cruel and unjust an enactment as the New Poor-law. He should inform their Lordships that a coroner's inquest inquired into the cause of the woman's death, and returned a verdict that she died from natural causes, and not from ill-treatment. But he entreated their Lordships to consider who were the witnesses who gave evidence on each side at that inquest. Two persons deposed as to the manner in which the woman was treated in the workhouse; a third deposed as to her condition when she was removed from the workhouse. being then covered with sores and vermin; a fourth gave his opinion that it was not possible that she could have been in such a state if she had received due care; and a fifth deposed as to the personal ill-treatment she experienced. These were the witnesses on one side; and who were the witnesses on the other? The very persons against whom complaint was made, First of all, there was the Irishwoman, then the governor of the workhouse, and next the house-surgeon. All these persons were charged either with neglect or misconduct. It was right to observe, however, that there was, besides, the evidence of two more surgeons, and another individual. He did not wish to speak disrespectfully of the jury, but he felt that few persons could read the evidence given at the inquest without being convinced that the poor woman experienced the most shameful neglect in the workhouse, and that her death was accelerated, if not caused, by neglect and cruelty.

The Duke of *Portland* said, that for the last two years and a-half that this person had been in the workhouse, she had been in a very impaired state of health, and the greater part of the time had kept her bed. Very little reliance could be placed on the evidence of the sister; and as to Mary Wilden herself, she had had that care bestowed on her in the workhouse which she could not have received elsewhere. Amongst other things, it had been stated, that when she was carried out of the house, her body was covered with sores; but from the evidence of all persons who were in the house at the time, and especially of the surgeon, it was proved that her body was as perfectly clean as it could be for a person who had been so long confined to her bed. He was glad to hear that the noble Lord did not intend to make any motion about the New Poor Law, and that therefore it was not now the question in debate; but he could state, that, as far as the sick poor were concerned, the greatest care was taken of them, and he would be content to contrast the treatment which this poor woman had received with what it would have been under the old law. With respect to the witness William Hodson, there had been so much prevarication with him in giving his evidence, that no reliance could be placed upon his statements; and he had understood from the coroner that there was no reason for thinking this poor woman had ever been beaten—that the jury were unanimous on that point, and had no confidence in Hodson's evidence from the manner in which it had been given.

Lord *Wharncliffe* said, that as he was the only person in the House who had heard what passed at the coroner's inquest, he must say, he entirely concurred with the noble Duke, that there never was a case that seemed to him to have less in it than this. He had carefully looked to the evidence that was given, and he was quite satisfied with the verdict of the jury. He could also say, that many persons in the neighbourhood who had attended the inquest with the idea that this woman had been maltreated, had gone away perfectly satisfied of the contrary.

Earl *Stanhope* said, he had never grounded his opposition to this most execrable law in any number of cases of hardship which might have occurred; but his objection was to the principle of the measure—to the principle upon which it was carried on. If anything could satisfy his noble Friend near him, (and he would renew his investigation into those cases,) he would engage to furnish him with as many as would amply occupy him during the remainder of his life. If their Lordships would enter into a detailed examination of this case, he would prove that the noble Duke, residing as he did in this particular part of the country, was one of the tools of the dictators of Somerset-house, and that he must have been grossly misinformed of the facts.

The Duke of *Richmond* said, it appeared to him, that his noble Friend had brought forward this case as an attack against a noble Friend of his, who was chairman of the Board of Guardians. It appeared that a woman had died in the workhouse; that according to the excellent practice of this country, a coroner's inquest was held on the body, and the jury, after hearing all the evidence, returned a verdict of "Died by the natural visitation of God." That to him (the Duke of Richmond) was quite satisfactory, and if he had been, the noble Duke (Portland) he should have said nothing further on the subject, as he would rather trust to the verdict of the jury than to any statement he heard elsewhere. His noble Friend always at the end of the Session, brought forward a number of cases, and yet, upon examination, not one of them was found to hold water.

Earl *Stanhope* notwithstanding all the pains and industry of the noble Duke to confute him when he thought his opinions were mistaken, and all his endeavours to embarrass and confound witnesses who were examined before the committee, with a most pettifogging and quibbling kind of inquiry, yet the cases he had brought forward, had been most fully and clearly substantiated, and if he had time and place he was ready to discuss them with the noble Duke.

Earl *Fitzwilliam* said, it appeared to him that his noble Friend's conduct—no, not his conduct—his position was this—that if any person in Yorkshire or Nottinghamshire, had any complaint to make against the New Poor-law, he sent it all the way into Kent to the noble Earl, although it might be made more conveniently to some person in the neighbourhood. The fact was, that he was afraid the noble Earl was considered by some persons who really had conscientious objections to some parts of the Act and by others who were anxious to raise a prejudice against it for purposes of their own, as the only person who could lay their complaints before the House. He thought the noble Earl opposite had oftentimes told them he never had had anything to do with the administration of the Poor-law; and in his opinion that was a great pity, because if the noble Earl had condescended to act as chairman of a board of guardians, he thought he might thus furnish himself with a number of facts on the subject occurring under his own eye, and be enabled to make such an impression on their Lordships as would induce them to make an alteration in this law. But as long as the noble Earl refused to do so, he would say the noble Earl had very little chance of producing any effect on their Lordships upon this subject.

The Duke of *Richmond* rose to explain. His noble Friend, had, most contrary to the orders of this, or the other House of Parliament, charged him with conduct of which, if he had been guilty, would have been unbecoming the character of any Peer or Gentleman of this House. He did not think his noble Friend had any intention so to do, but on every occasion the Poor-laws were mentioned, his noble Friend appeared to become almost wild, and in this instance had been more so than usual. He had understood his noble Friend to say, that he had done his utmost to confound the witnesses examined before the committtee, and to make them say on oath things that were not true. He would deny ever in his life having done so; he appealed to their Lordships who served with him on the committee of their House, whether he ever did anything more than endeavour to elicit the truth, the whole truth, and nothing but the truth. He had not attended that committee so much as he could have wished, but it was only because he was engaged on two other committees. He assured their Lordships, that he never did intend or attempt to confound any witness, or make them say anything that was not true. He hoped the noble Lord would remember when he was charging a Peer of this House with such conduct, that it was not the same as attacking the guardians, which indeed he was ever ready to do, who were not there to defend themselves, but he should be always prepared to defend them, and would allow no man in this country to impute to him motives which would be a disgrace to a Gentleman and a Peer of this House.

Lord *Brougham* said, if there were any member of the committee who the least of all had attempted to confound the witnesses who were examined, or had adopted a pettifogging and quibling kind of inquiry, it was his noble Friend the noble Duke on the cross benches, for his noble Friend was notorious for taking exactly the opposite course. His noble Friend opposite had made a rash observation, which he (Lord Brougham) thought he could not have seriously meant to apply to his noble Friend.

Earl *Stanhope* rose to state, that it was not his intention to say anything personally offensive to the noble Duke. He had said, the noble Duke had only pursued the same course of inquiry and examination which was always pursued in that committee, and that when any witness was brought forward, a number of questions were put to him to refute him and to confound the opinions he had given, but he never said the noble Duke wished to elicit from any witness anything that he did not believe to be true.

Lord *Wharncliffe* said, that witnesses must expect to be exposed to a severe cross-examination, and if he went into a committee he must examine them closely, but he denied that at any time, during the sitting of the committee, on the part of the noble Duke on the cross-benches, there had been any such conduct as that spoken of by the noble Earl. It was true, that most of the witnesses who had gone to speak to the facts stated by the noble Earl, when they were examined, did not bear out the statements.

Petition laid on the table.

PRISONS.] The *Lord Chancellor*, in moving the second reading of the Prisons Bill, said, it was one which was entitled to the most serious consideration of their Lordships. Its great objects were as far as possible to prevent crime, and to correct those who had been guilty of it. Their Lordships had of late concurred in several acts for the removal of the punishment of death from certain offences which had heretofore been liable to that punishment, and in that he thought they had acted wisely; but as Parliament had adopted that course, it became the more its duty to enact such measures as might be most effectual to prevent crime, and to punish it when committed. There were two ways by which this could be done:

one was, by an effective police—and he regretted to say, that that which now existed in most parts of the country was lamentably deficient; and the other was by a wholesome state of prison discipline, to be adopted in the several counties. It was with a view to both those objects, that the present bill was offered to their Lordships. It was to enable magistrates of counties to adopt such a system of separate confinement as would tend to make the prisoners leave the prisons better subjects, and to put them in that state which would prevent a repetition of their offences. This was a matter which had for a considerable time occupied the attention of every civilized country in the world. A separate system had for a long time existed in America, whence it had attracted the attention of the governments of Europe, many of which had sent out competent persons to observe how the system was carried on, and to report on its effects. The reports of those individuals to their respective governments was highly favourable to the American system. The gentlemen sent out from France were, before going out, strongly prejudiced against that system, but on seeing its operations and effects, their reports were altogether in its favour. It was not, however, necessary that we should go to any foreign country to see how such a plan worked, for we had it operating in the Glasgow Bridewell, and if their Lordships looked to the reports of the prison inspectors, they would find, that it had been attended with the most salutary results. This had been shown by the best of all tests, that of experience. One of the worst effects of confinement in our gaols on their present system was, the association of persons young in guilt with characters much worse than themselves. The bad effects of this, particularly in the gaols of Scotland, where the system of prison discipline was in general much worse than in the gaols in England, were shown in the reports of the prison inspectors, and they were in many instances most demoralising and disgusting. One object of this bill would be, to cause that separation of the prisoners which would prevent this contamination. One objection to it was its severity; but no two things could be more different than solitary confinement in its ordinary sense, and that kind of confinement which this bill contemplated. In the one case the prisoner was secluded from all society, and left without work or employment of any kind, save that of brooding over his own thoughts, which must be of a painful kind; but the prisoner separately confined under this bill, though he would be kept from any communication with his fellow prisoners, would be wholly secluded from society. His mind would be engaged by being kept in constant employment, and he would be open to the visits of those who would do him good, he would be open to the visits of the officers of the prison, the magistrates, and the chaplain. The reports on their Lordships' Table were filled with instances of the good effects of this system. The principle had been already adopted in many prisons, and in every case with success. It was an object of this bill to legalize and facilitate it in all prisons. In that case an enlargement of the means heretofore employed in counties would be necessary, and additional expense would be required for the enlargement of prisons, but he was sure their Lordships would not think, that an additional outlay in the county-rates would be ill-bestowed for such an important purpose. He said this on the assumption, that their Lordships would admit the system to be a good one, and if they did, he was sure they would concur with him in thinking that a portion of the public money could not be better employed than in promoting it. The increased expenditure which might be required for carrying the system into operation would be chiefly in the first outlay for enlarging the prisons, but after it came into full operation it would be found to diminish the annual expense. This would be seen by a comparison of the expense of a large and well-regulated prison with that of a small one under bad management. Of these the reports on the Table furnished several instances. Thus, for example, the expense of the maintenance of each prisoner in the Glasgow Bridewell did not exceed 3*l.* per annum, but if the imprisonment was for a longer period, the prisoners earned all they cost, while in some other prisons it cost 30*l.* per head, and on the average of many prisons 17*l.* per head. The expense of attendant officers in the Glasgow Bridewell was 2*l.* 10*s.* per head, while in other prisons it cost 12*l.* per head; so that, as he had stated, the first expenditure would not on the whole be found an objection to the plan. He had heard only two principal objections to the system: the first was, that it would destroy that uniformity of system which existed at present: and next, that it would supersede the authority of the magistrates. With respect to the first, he would admit, that it would destroy the classification of prisoners, which was now adopted; but it was found, that that classification had not answered its intended object. For instance, where men were classed according to the crimes of which they had been convicted, it might happen, that the very worst character in the county might be imprisoned for a slight offence. He would, therefore, be a very unfit associate for persons who had never committed any serious offences. If this bill were adopted, the question of classification could not arise, because the prisoners would be separately confined, whenever the magistrates of counties adopted the principle, but it would be left to them to decide whether they thought such a system fit for the particular county. The magistrates would have power to make rules and regulations for the prisons of their county, which would be submitted to the Secretary of State. It might be objected that this would be placing too much power in the hands of the Secretary of State. But the Secretary of State would have only the power to approve or reject the rules or regulations. At present he had not only that power, but also that of altering or adding to rules of prison discipline submitted to him. Here, however, he would have, as he had already said, only the power of approval or rejection; and it was clear that there must be a controlling power of the kind vested somewhere. Formerly it had been left to the judges of assize to inspect, and approve or reject the prison regulations submitted to him by the magistrates at the assizes, but though no man had a higher respect for the character and authority of the judges than he had, he did not think the selection a wise one. A judge in the usual hurry of assize business was not the most competent to decide upon the fitness of regulations of prison discipline; and, besides, amongst fifteen judges it would happen that there would be differences of opinion, and thus what one judge would think a sound and salutary regulation in one circuit, another would reject on another circuit as wholly objectionable. This would destroy uniformity of discipline. It might be said that the 10th and 11th Clauses would give too much power to the Secretary of State, but those clauses might be so modified in the Committee as to remove that objection. He knew it was said that if the Secretary of State was disposed to have the separate system, he might say that he would not approve of any system of prison discipline recommended by the magistrates which did not embody that system; but there was a proviso to the 11th Clause, which he should propose, which did away with this objection—"Provided always, that in any case in which the Secretary of State shall disapprove of any such plan, he shall state in writing the grounds of his disapproval, and it shall not be lawful for him to disapprove of any such prison on the sole ground that such plan proposed does not allow separate confinement." The question was, whether their Lordships were now prepared to say, that they would prevent the introduction of the separate system? That was a grave responsibility for them to take upon themselves. Let them look at the evidence before them of the value of this system—let them look at the testimony of all persons who had examined into the subject—let them look at the state of crime in this country, and at the state of the prisons in this country—and if their Lordships, with that information before them, should throw out the bill and say that they would not authorise this system, their Lordships would be taking on themselves a very grave responsibility. He would also call their Lordships' attention to this fact, that in some places prisons had been built expressly for the separate system, and which were unsuited to any other. Were those counties which had built them to be told, after having so laid out their money for the adoption of a prison discipline so much approved of generally, that that system was not to be sanctioned? He could not believe, that such would be the case, when they looked at the reports of the inspectors of prisons, and at the mass of evidence unmet by any objections of weight. He would only beg, before their Lordships took such a step, that they would read the report of the inspector of the bridewell of Glasgow. In that report, instances were stated of persons of dissolute and bad character, who had long been accustomed to a course of crime, having acquired a knowledge of a trade, and who had repented of their former course of life, and had turned for their future livelihood to that trade which they had learned whilst in prison. What a blessing this was, not only to the individual, but to the country at large. But if they kept a man in prison for six months or a year, and turned him out again without being reformed, what good had they done? They had kept him from evil, it was true, for the time that he was in prison; but they turned him out to do evil again, which he most certainly would. But let them imprison a man in a prison conducted the same as the Glasgow one—instruct him in moral duties, and teach him the means of gaining an honest livelihood; let him be kept from contamination, and at the end of six months they made him a good subject. This system had the effect of deterring others from crime, whilst the individual punished was a reclaimed man. Of course, before noble Lords threw any doubts upon that, they would read the reports of the different inspectors of prisons. No noble Lord, should, in fact, come to a vote on this bill without having read those reports; for this bill was no trifling matter—it concerned the state of crime, and the security of life and property in the country. If it were their Lordships' pleasure to countenance that the magistrates might, if they thought fit, adopt the system, it was proposed to give an additional facility, by the erection of a prison on this system in the vicinity of London. Undoubtedly the magistrates of the counties sought to have the opportunity of inspecting it in operation, and of seeing how the system worked before they adopted it themselves. But if their Lordships should pass this bill, and authorize the erection of a model prison in the neighbourhood of London, that all might see how the system was conducted—unless such an experiment should produce different results to what it had done in every other place where it had been tried, he had not the least wish that any compulsory power should be enacted to make magistrates adopt the system, having the full conviction that they would adopt it of themselves. It was much better that they should adopt it of themselves; but the object of this bill was to give them the power, if they thought fit to exercise it, and to offer them the opportunity of seeing how it worked. He trusted their Lordships would allow the experiment to be tried.

The Marquess of *Salisbury* said, the noble and learned Lord had argued as if this bill were for establishing an uniformity of discipline in the prisons of this country. He contended that the effect of this bill, if suffered to remain at all in the state in which it was at present, would have a diametrically opposite effect. It was only a few years since their Lordships had passed an Act for effecting a greater uniformity in the government of prisons in the country, and in pursuance of that Act the very first thing done had been to establish two distinct systems of prison discipline—one, which enabled the magistrates to adopt such regulations as they thought fit; and the other, which ordered what should be the future regulations of prisons where the separate system was not adopted. He thought the Secretary of State the proper person to give his assent to the rules laid down by Magistrates; but he did not think it was a good system which gave the magistrates the power of laying down rules and regulations; he thought they ought to be laid down by Act of Parliament, and that no person, however learned or competent, should have the power to alter them. With regard to the system of solitary confinement, he did not think it had been so successful in reforming prisoners as was stated. There were two parties in America that held very different opinions on the subject. It appeared to him that the proper mode would have been for the Government to have obtained powers to build a prison which might serve as a model to other establishments for time to come, and if they found that it worked well, then to enforce, not to empower the establishment of the system all over the country. The noble and learned Lord had certainly done a great deal by the promise which he held out; he trusted that he regarded that promise as a pledge given by her Majesty's Government to the country, that the Government would commence the erection of such a prison as might serve for a model for the erection of others. He felt that the responsibility of throwing out a bill establishing the system of separate confinement would be great indeed, and with that understanding, that the Government intended to build a prison to serve as a model to others, he would not press his objections to the bill, but if necessary, take the sense of their Lordships at a future stage.

The Duke of *Richmond* said, that having for some years constantly visited many of the prisons of this country, he felt that he ought not to remain silent on the present occasion. He did not feel that the bill now standing for the second reading was a perfect or final measure. The ground on which he agreed to it was this: one of the great objects they had in view, consistently with carrying on the criminal laws of this country, was to have an uniform system of prison discipline; but because he found he was not in the situation to get a perfect measure, was he to be deprived by opposing the second reading of the bill of a measure which, in his opinion, would be of great advantage and which would not disturb any uniformity of system which now existed; for he believed that even in the metropolis, at this moment the same system was not carried on in any two of the prisons? He believed that there were very few prisons in this country in which there was uniformity of system. He knew but two in the county of Sussex, one in the east and the other in the west of the county, where the prisoners had separate cells, where there was a separation—not that separation which his noble and learned Friend spoke of, but a partial separation to prevent the prisoners communicating with each other. He would answer for it, that in these prisons under the present regulations, it was impossible for the prisoners to communicate with each other so as to contaminate one another and that was the object which they had in view to prevent. With respect to the operation of the system at the place where he resided, and where it had been carried into effect, it had produced a large decrease of crime; and though there had been an increase in the number of constables, and more persons had been sent to prison in consequence, yet there was still a larger decrease in the number of committals. He knew several labourers who had gone into prison charged with heinous offences, who had remained there a short time, but from the facility which they had given to them of considering the situation in which they had placed themselves from the period when they had left the House of Correction to the present time, they had become honest, industrious labourers. There was another great advantage in this partial separation. The great difficulty that a young man had now, if unfortunately he strayed from the path of virtue, was, when he left the prison at the expiration of his sentence, to get any man to employ him; his character was destroyed; he was jeered and laughed at by the good men of the parish, because they always knew that he came out of gaol a much worse man than he went in. But under this system the farmers of the country being aware that a man was not worse but must become better from being in prison, because they knew that he could not communicate with the other prisoners, and because they also knew that he received instruction from a schoolmaster, and was attended by a chaplain, and that it was impossible that he could come out of prison worse than he went in, would give him a chance of becoming an honest man. This, to his mind, was one of the greatest advantages of the proposed system, and had already been substantiated in his own county, it might be said, that if this course were so successfully pursued in Sussex, the magistrates in other parts of the country had the same power to adopt a similar system; but he begged to say, that great difficulty was experienced in carrying this system into effect, even in Sussex, for want of an Act of Parliament to enforce its observance as a permanent system; nor did he know whether the magistrates of Sussex would be able to go on with the system unless some Act were passed upon the subject. There were some clauses in the bill in which he would suggest certain alterations; he would not, however, enter into details at present, but would only repeat, that he considered this bill better than the law at present in existence. He thought it could not create any inconvenience, but, on the contrary, by this law an experiment would be tried in various parts of the country, which, after a few years, would enable their Lordships to decide upon what was the best system; and then, by repealing all the old laws, they might establish an uniform plan of prison discipline throughout the country, which might be equally beneficial both to the agricultural and the manufacturing districts. He, therefore, should most readily support the second reading of this bill.

The Duke of *Wellington* thought the bill ought to be read a second time. His objection to it was not that it went too far, but that it did not go far enough. There were some clauses in the bill respecting the classification of prisoners which, in his opinion, ought to be struck out altogether, because they would mislead the magistrates as to what it was the real intention of the Legislature to effect. When the bill should come out of Committee, especially after the suggestions of noble Lords for its improvement should have been adopted, he thought they would be able to accelerate the operation of the new system, more particularly as it respected the classification of criminals in the various prisons.

Viscount *Duncannon:* The noble Marquess (Salisbury) having expressed a hope that it was the intention of her Majesty's Government to erect a model prison, it might be satisfactory that he (Viscount Duncannon) should state that there was a motion before the other House of Parliament for a grant for that purpose; and that he was himself in treaty for a piece of ground on which it was the intention of her Majesty's Government to proceed with the least possible delay to erect a model prison.

The Earl of *Chichester* observed that every improvement in prison discipline had proceeded upon the principle of the separation of the prisoners—a provision which was most essential in any system of prison discipline. That principle their Lordships well knew was adopted in several prisons in the time of the Protectorate, and had been carried out still farther, in many places, in modern times. He should prefer, if it were practicable, to see the silent and the separate system combined. However, he hoped their Lordships would pass this bill; and that the amendments which might be introduced into it in committee would not destroy the opportunity now afforded for carrying out the separate system under certain limitations.

The *Lord Chancellor* said, that the silent system had the same object in view as the separate system, but the former was much less efficacious. There were very strong cases mentioned in the reports of the inspectors of prisons, showing that the silent system could not be carried into effect. Within a comparatively short space of time it appeared that upwards of 5,000 punishments were inflicted for the violation of the silent system—thus demonstrating that that plan could not at all be put in competition with the separate system.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, July 11, 1839.

MINUTES.] Bills. Read a first time:—Constabulary Force (Ireland); Ecclesiastical Districts.—Read a third time:—Turnpike Acts Continuance.

Petitions presented. By Sir Edward Knatchbull, from one parish, against the New Poor-law.—By Mr. Pryme, from St. James's, Westminster, for closing Gin-shops on Sundays.—By Mr. R. Stewart, from the Schoolmasters of Scotland, for an Increase of their Salaries.—By Mr. D. W. Harvey, from St. George's (Southwark), against the Collection of Rates Bill.—By Mr. Ainsworth, from Bolton, for granting Bonded Warehouses to large towns.—By Messrs. Grote, Macauley, R. Ferguson, Ainsworth, Lord Dalmeny, and Sir H. Parnell, from a great number of places, for a Uniform Penny Postage.

ECCLESIASTICAL PREFERMENTS.] Lord *J. Russell* having moved the Order of the Day for the second reading of the Cathedral and Ecclesiastical Preferments Bill,

Sir *R. Inglis* said, that when last year a bill, nearly similar to the present, came before the House, it was said, that if the Government succeeded in carrying it, they would, without directly pledging the House to any principle hostile to the establishment, practically and surely effect the object of the Duties and Revenues Bill, and undermine all the ecclesiastical privileges of the Church of England, year by year, and little by little. Nearly all the chapters objected to that bill, not from any feeling with regard to their own interests, inasmuch, as even if they could be swayed by such a motive, their own personal rights were secured, but because of the injurious effect which it would have upon the Church. That whole question was prejudiced by this bill. It was a bill for the suspension of ecclesiastical appointments for the current year in all the cathedrals of England. But it went still further than this—that the rule should be relaxed according to a certain rota and principle, which rota and principle were to be established by that other bill, if it should ever be passed into a law, which the noble Lord introduced early in the session. Now, he would ask the noble Lord, whether this Bill would not, if it were carried into effect this year, and if it were renewed next year, and for a certain number of years in succession, as it had been renewed for a certain number of years past, eventually realize all those objects which the noble Lord had in view in the other bill, which stood for a committee that night (the Ecclesiastical Duties and Revenues Bill)? Would the noble Lord not secure all the great objects which he had in view when he introduced and passed the larger bill? He had many objections to this bill, but he should reserve them until it was in Committee. The great fundamental objection to it was this, that it anticipated and prejudged the question on which the House had specially reserved its opinion; and that the details would practically produce all those evils which he, and those more immediately concerned, had deprecated as the consequences of the greater bill.

Lord *J. Russell* was ready to admit, if this bill were continued from year to year till all the vacancies had occurred, that the reduction of the cathedral stalls and chapters would be ultimately accomplished in the manner proposed by the general measure. He therefore quite agreed with the hon. Baronet, that that was a sufficient objection against the frequent renewals of this bill, but not to justify an opposition to it during the present year. As far as he understood, there were not serious objections to the main object of the larger bill, because that object was not to suspend or abolish cathedral stalls and prebendaries, but to secure the raising of funds in the least objectionable form, for the increase of religious instruction in the doctrines of the Established Church. With that object he believed that the clergy and the two universities were disposed to concur. The question was, how were they to accomplish it? The matter had been submitted to the Archbishop of Canterbury and to the Church Commissioners, and various proposals had been discussed, suggested by persons connected with cathedral chapters, who all united in one wish to have the differences settled. It was on that ground, therefore, and not owing to any doubts which he entertained himself, that he thought the bill for carrying out the report of the Church Commissioners should lay over for another year. Under that view he trusted that the hon. Baronet would give his consent to the second reading of this bill.

Bill read a second time.

Government of Lower Canada.] Lord *John Russell* having moved the Order of the Day for going into a Committee of the whole House on the Lower Canada Government Bill,

Sir *William Molesworth* said, that the motion of which he had given notice spoke for itself. The resolution which he should presently move only gave expression to a truth which every man's conscience must acknowledge. No statement, no argument was required to support what may almost be termed a truism. He should not detain the House, therefore, more than a few minutes. His object in bringing forward this motion was not to persuade the House of that of which they were already convinced; nor could he hope that it would induce the noble Lord, the Member for Stroud, to redeem his promise, that this Session should not pass away without legislating for the permanent government of the Canadas; for nothing could be expected from the Government. They were evidently unable to deal with the subject, and afraid to touch it. Their whole course with regard to it, from the beginning of the Session, had been a disgraceful shuffle. Nor could they, even with the best intentions, carry any measure without the leave of the right hon. Baronet the Member for Tamworth. For, in fact, they were not a government, but mere holders of certain places during the pleasure of the right hon. Baronet. And, assuredly, if the right hon. Baronet wished it, they would bring forward a measure with respect to Canada. It was not to them, therefore, but to the right hon. Baronet, that any one must appeal who would obtain any practical result from a motion in this House with regard to Canada. If he would hold up his finger in favour of this resolution, those who were called the Government would at once assent to it; and in that case, though the grouse might have a holiday during August, the disorders and miseries of Canada would be remedied. For the delay that had occurred, in however contemptible a light it had placed the Government, they were not responsible; for they were utterly without power, and the helpless could not be held responsible. Not so with regard to the right hon. Baronet. It was in his power to settle this question if he pleased. One word from him and the thing was done. The right hon. Baronet knew that he (Sir W. Molesworth) was speaking the truth. It might not suit the convenience of his party to insist upon a permanent settlement of Canadian affairs; but it was in their power—in the right hon. Baronet's power, as their leader, to determine whether the people of Canada should be driven to despair by the neglect of the Imperial Parliament, or at once relieved from the distractions and calamities by which their country was impoverished and depopulated. Which, he asked, would the right hon. Baronet consult, the convenience of his party or the interests of justice, humanity, and sound policy? He would not despair of the right hon. Baronet's being willing to sacrifice mere party objects to the higher considerations which were presented to him by this question. It was to the right hon. Baronet he appealed on behalf of the people of Canada. If he should decline to aid them, if he should turn a deaf ear to their complaints and entreaties, if he should refuse to utter the opinion which he had only to express in order that the Government should do their duty; then would the blame rest rather upon him who was the real leader of the House, than upon the mockery of a government which the noble Lord represented. The right hon. Baronet recently quoted Lord Durham as an authority in this matter. He read from that noble Earl's report the following passage:—

"The state of the two Canadas is such, that neither the feelings of the parties concerned, nor the interests of the Crown, or the colonies themselves, will admit of a single session, or even of a large portion of a session of Parliament being allowed to pass without a definite decision, by the Imperial Legislature, as to the basis on which it purposes to found the future government of those colonies."

He would respectfully call the right hon. Baronet's attention to some other passages of Lord Durham's report, which strictly related to the question before the House. At the very commencement of that remarkable document, the noble Earl said,—

"While I found the field of inquiry thus large, and every day's experience and reflection impressed more deeply on my mind the importance of the decision which it would be my duty to suggest, it became equally clear, that that decision, to be of any avail, must be prompt and final. I needed no personal observation to convince me of this; for the evils I had it in charge to remedy are evils which no civilized community can long continue to bear. There is no class or section of your Majesty's subjects in either of the Canadas, that does not suffer from both the existing disorder and the doubt which hangs over the future form and policy of the government. While the present state of things is allowed to last, the actual inhabitants of these provinces have no security for person or property, no enjoyment of what they possess, no stimulus to industry. The development of the vast resources of these extensive territories is arrested, and the population, which should be attracted to fill and fertilize them, is directed into foreign states. Every day during which a final and stable settlement is delayed, the condition of the colonies becomes worse, the minds of men more exasperated, and the success of any scheme of adjustment more precarious."

Again, after having described the political and social state of Lower Canada—the all-pervading and irreconcileable enmity between the contending parties—the entire and immediate disaffection of the whole French population—the suspicion with which the English regard the Imperial Government—and the determination of the French, and the tendency of the English to seek for a redress of their present intolerable evils in the chances of a separation from Great Britain. After having described all this, Lord Durham says,—

"The disorders of Lower Canada admit of no delay; the existing form of government is but a temporary and forcible subjugation. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious."

Nor, according to Lord Durham, was there a less urgent necessity for promptitude on account of Upper Canada. The noble Earl said, that the majority of the inhabitants of that province were loyal, and determined to abide by the decision of the home government. But, he added,

"I cannot but express my belief, that this is the last effort of their almost exhausted patience, and that the disappointment of their hopes on the present occasion will destroy for ever their expectation of good resulting from British connexion. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population."

And, in concluding his report, the noble Earl again urged the necessity of a prompt and decisive settlement of the question of the form of government of the Canadas:—

"In conclusion, I most earnestly impress on your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question, not only on account of the extent and variety of interests involving the welfare and security of the British empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all your Majesty's North American possessions, and more especially the two Canadas."

And lastly, the noble Earl warned the Government of the fatal effects of delay and of disappointing the expectations of the Canadians, that there would be an immediate and final remedy to all those evils of which they so justly complained. He said,—

> "I fortunately succeeded in calming for a time the irritation that existed, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of your Majesty must naturally incline your Majesty to sanction, whenever they are brought under your Majesty's consideration. But the good effects thus produced by the responsibility which I took upon myself will be destroyed; all these feelings will recur with redoubled violence; and the danger will become immeasurably greater, if such hopes are once more frustrated, and the Imperial Legislature fails to apply an immediate and final remedy to all those evils of which your Majesty's subjects in America so loudly complain, and of which I have supplied such ample evidence."

What the Government thought of these urgent recommendations and solemn warnings, it was of no moment to inquire. But what, he asked, did the right hon. Baronet think of them? Would he tell the House and the people of Canada that he thought they ought to be totally disregarded? Would he vote against the resolution, that merely declared that they deserved the serious and prompt attention of Parliament? Would he make himself a party to the cruel and wicked indifference of the Government to the sufferings of the people of Canada? Did he forget (whatever the noble Lord might do) the prime minister's declaration six days after the receipt of Lord Durham's report, that a measure should be introduced "before the Easter recess for the purpose of putting a speedy end to the discontent that unhappily prevailed in Canada? Did the right hon. baronet forget the noble Lord's repeated assurances to a similar effect, or the solemn and formal message from the Crown? Would he protect and sustain the Government in their deliberate attempt to break all these promises—to shuffle out of obligations which ought to be held sacred by men having as much regard for their public as for their private honour—to sneak—to sneak shabbily (for that was the word) out of the discussion of a question which their own incapacity had rendered difficult, and wholly unmanageable by their feeble hands? But a discussion, at all events, they would not escape. Though hon. Gentlemen opposite should favour the noble Lord by voting with him in silence against this motion, his hon. Friend the member for Liskeard would scarcely fall in with the wish of the Government to treat Lord Durham's report as waste paper. He asked his hon. Friend whether he thought that further delay—that an indefinite postponement of legislation—was less inexcusable at the present moment than when Lord Durham warned the Government and the public of the ruinous consequences of allowing even a large portion of the session to pass without some final and permanent settlement? And could the right hon. Member for Coventry,—whose knowledge of Canada and whose deserved weight in the House on Canadian questions no one was more willing to acknowledge than himself—could that right hon. Member remain silent to-night, or vote against this resolution, which expressed his own well-known opinions, in order to accommodate the noble Lord, or other hon. Members whose thoughts were far from Canada, and directed towards the moors? It was said nothing could be done at this late period of the session, but the right hon. Baronet pledged himself that at the very commencement of the next session the undivided attention of Parliament should be first directed to Canadian affairs. Why, he asked, not now at once? "This late period of the session" meant the near approach of grouse shooting; or so, at least, the argument would be translated in Canada. Why, the people thought that the members of this House ought to prefer the vital interests of the colonies to the amusements of the 12th of August. And who was to blame for this near approach of grouse shooting before the settlement of Canadian affairs? The affairs of Canada had been contemptuously neglected by both Houses of Parliament during the whole session. Were hon. Members to take advantage of their own wrong-doing, and to make past neglect an excuse for continued indifference? Party or personal convenience was the only ground on which his motion could be resisted. For his part he declared that he was ready to put aside both considerations, in order that Parliament might do its duty in this case. Any permanent settlement was better than none at all. He expected nothing—nobody expected anything from the palsied hands of the Government; but if the right hon. Baronet would apply himself seriously to this work, he might be sure of a large majority in both Houses of Parliament. The question really rested with him. His yea or nay would decide it. Once more imploring him to extend his protection rather to the suffering people of Canada than to the wretched Government, which it might not suit his convenience to displace, he would conclude by moving, "That it is the opinion of this House that every consideration of humanity, justice, and policy, demands that Parliament should seriously apply itself, without delay, to legislating for the permanent Government of her Majesty's provinces in Upper and Lower Canada."

Sir *C. Grey* agreed with the hon. Baronet in thinking that this was a subject to which it was desirable that the House should devote a few hours' attention, and that they should not separate without a discussion on the affairs of Canada. Although he was suffering under considerable indisposition, he felt called upon to address a few observations to the House. As he felt very great interest in the subject, and as he entertained a directly contrary opinion to the hon. Baronet on the topics of his speech, with the exception of that to which he had just alluded, he would follow him, but in doing so he would pursue a more cautious course than the hon. Baronet had done, and would shortly call the attention of the House to three or four most important points growing out of this subject. One of these was the danger that might arise from the mismanagement of affairs in Canada, which he had never yet seen placed in a sufficiently clear point of view, and, above all, as regarded the hands into which Canada might fall in case of anything of this kind unhappily occurring; and considering also the situation and resources of Lower Canada, and the disposition of the people, the inhabitants of that province. Above all, he would beg the House to turn its attention to the situation of the Gulf of St. Lawrence, and to its importance as a naval station, and how much effect its loss might have on the military importance and the commercial existence of this country. When he returned to this country from Canada he heard—and he heard with astonishment from those to whose opinions some deference was due—that the province of Lower Canada was so remote and so separated from the rest of the British empire, that it could afford no facilities for aggression upon us, in case that it should ever be lost to us. If any hon. Gentleman would cast his eye over the map of the world, he would find no spot on the surface of the inhabitable globe so pregnant and threatening with danger to this country, from its natural situation, as the waters of the St. Lawrence. It was, in fact, a Baltic of our own, it was an inland sea, and it only required an outlay of capital and industry to develop its resources and make it teem with productions, and present an appearance which would produce the greatest effects on the condition of European nations. England had it in her power to make the gulf of St. Lawrence as available for the support of her power as the Baltic was for the Russians, and the countries which surround it. It was, like the Baltic, protected from attacks for a very large portion of the year by the ice which chained its entrance; but, unlike that inland sea, it had the advantage of three outlets, which could be easily defended, and which it would require a very large force to blockade—the strait of Belle Isle, or the passage between the main land and Newfoundland; the main entrance to the waters of the St. Lawrence; and the gut of Kanoe, between Cape Breton and Nova Scotia: all these must be guarded, in case of separation from this country, and at a period of war, by British fleets, at the period of the breaking up of the winter, amidst the fogs of Newfoundland. It had been considered, if Canada were dissevered from this country, it would be united with the United States of America. This was by no means a necessary consequence. If he were certain of this event happening, he should not feel the alarm which he now felt on the subject—for turning over the annals of past times, he did not recollect an instance, in ancient or modern history, in which a parent state had been destroyed by its children, when established in an independent state, if the parent had bestowed upon them feelings similar to her own, and a system of policy resembling that which she pursued. States were usually destroyed by other states which were opposed to them in opinion and alien to them in habits and manners. It was most probable, that Canada would not fall into the hands of the United States; but—and he was, in consequence of the existing relations between the two countries, enabled to make this statement without being thought invidious, or wishing to raise jealousies—into the hands of France—England would not have given up the possession of Canada for two months before a French fleet would be anchored in the waters of the St. Lawrence, to protect their ancient subjects. They would be almost bound to take this course by the Treaty of 1763, and they would be further urged to it by the ancient feelings and recollections with which Frenchmen would naturally regard New France. He could not but recollect the feelings manifested so lately as 1802, by one of the most celebrated statesmen of France towards Louisiana and the other French settlements on the banks of the Mississippi and the Ohio, which it had been the intention of the French emperor to have taken possession of, had he not been prevented by the resumption of the war; and, in abandoning those countries, he had adopted such measures and precautions as would render it impossible they should fall into the hands of England without that power being involved in a war with the United States. If abandoned by England, it was more than probable that France would be drawn—even if she were unwilling—into such close connection with Canada, that she must defend the latter. He was happy to say, that no danger was to be apprehended from either France or the United States at the present time, but it would be most absurd of them to abstain from considerations of this kind, even should they be the best and most attached allies. Again, would Ireland be exposed to no risk or danger from a power having possession of the gulf of the St. Lawrence? Canada, by its confines, came in contact with Russia, and was the seat of the most valuable fur trade in the world, the greater part of which belonged to this country, and of which Russia had just sufficient to excite its cupidity. Under these circumstances, it was impossible to undervalue its importance to the Crown of Great Britain, either as a commercial, a military, or a naval station, and he was convinced that there was no spot which in adverse hands could so materially affect the commercial and naval supremacy of Great Britain as the waters of the St. Lawrence. He had dwelt on that topic, because he knew it would be idle to expect the House to attend to every subject which would make it the imperative duty of the House not to abandon that province. He had also touched on this point at some length, because he had never heard it put forward before, and he was also anxious that on this as well as the other topics there should be a grave deliberation, so that a safe course might be adopted. He hoped that it was not the intention of this country to abandon Canada, and in that House and in the other House of Parliament he had heard persons, whose opinions deservedly carried great weight with them, allude to the possibility of such an intention being entertained, all that he urged was with the view of preventing that country falling into confusion, which was likely to happen if this subject was continually broached and never settled. He begged the House to turn its attention to the other extremity of the United States, and it must be aware, should the present state of things continue, something like the scenes of Texas might be repeated in Canada. He hoped he might say, without offence to the hon. Baronet, and without offence to the noble personage from whose report the hon. Baronet had read certain passages, much as he admired the ability with which that report had been framed, that he (Sir C. Grey) never perused some passages in that report without being reminded of the proverb—"The more haste the less speed." He wished the hon. Baronet, instead of using the language which he did, had suggested the heads of a plan which he would recommend Ministers or the right hon. Baronet to adopt, and send out to Canada before the 12th of August. It was more easy to fire a shot than to form a plan of government. The hon. and learned Member for Liskeard (Mr. C. Buller) recommended the union of the provinces, and had said that the Government, having once decided on the propriety of that project, should forthwith proceed to execute it. The hon. Member said, that he was for a thorough representative system—that was, that the majority of the whole was to govern. He would observe, that this was not really the principle of our representative system, even since the Reform Bill. It should also be recollected, that the majority of the inhabitants of the two provinces, taken together, were Roman Catholics. He did not say this with any regret, for he considered it not, *per se*, as any argument against the union. Had the hon. Member, however, considered how intimately the existence of the religious endowment in Canada was connected with the preservation of the French tenures? Was he aware that the Roman Catholic holders of land only paid tithes? Directly the Protestants became possessed of the land, the tithe ceased. If the hon. Member for Liskeard succeeded in putting an end to the French system of tenure, he could tell him, that it was in consequence of that system, that these lands were not passed from the hands of the Roman Catholics into those of the Protestants. If the tenure was abolished, it would be impossible to prevent that change taking taking place. In Lower Canada, the clergy were a respectable, intelligent body of men, and possessed just influence in the country. Was it to be supposed that the vast number of curates and pastors would be reduced to begging, which would be the result of such a change in the system, without an effort to avert it? The French tenure ought not to be put an end to without providing some compensation for the French clergy for the loss of tithe that would ensue to them. The hon. Baronet had made no statement of the manner in which he proposed to carry his wishes into effect. He would remind the House that it was proposed to unite two provinces, the one of which had a surplus over her expenditure of 100,000*l.*, while the revenue of the other—Upper Canada—did not meet her expenditure. This at least was the case in 1832. He considered it would be madness to attempt to proceed in the present Session to enact a legislative union of the two provinces. There were two main points to which a wise government ought to look, under existing circumstances. The first was, that the Canadas should have a government capable of defending those provinces from foreign invasion. This object had fortunately been obtained, but he was sure, that if Government had not suspended the House of Assembly of Lower Canada, that province would, long before this, have become the prey of the turbulent borderers from the American frontier. The next point was, to have a Government capable of putting down internal rebellion; and here again he felt, that if the House of Assembly of Lower Canada had continued to exist, not even a strong military Government could have prevented rebellion again breaking out. The first thing he would venture to urge upon the Government was, the absolute necessity that nothing should be done contrary to law, to the principles of liberty, to the principles of the British constitution, which were impressed as deeply on the minds of the Canadians as on the minds of the British nation itself, and in which they felt at least as deep an interest. The Canadians were exceedingly tenacious of the principles of law, though he would admit that they did not always observe it it in their own conduct. The next point he would urge on the attention of Government was, that it was essential to make the rights of property sacred in Canada. The property of the Canadians were all earned by their own toil and industry, or by that of their ancestors, and should be respected. Another point which required great care on the part of the Government was, the subject of taxation. There was nothing which would be more likely to irritate the Canadians in general, and to disincline the Upper Canadians to an union, to make them fearful of abandoning the Legislature they as yet retained, than an announcement, that an unlimited power of taxation would be committed to the new Government. The power of this clause on this subject was such as would enable that Government to impose taxes for public works, not merely tolls, which would be a reasonable tax, but on lands and tenements; any attempt at which would be sufficient to throw the French Canadians especially into a flame from one part of the country to the other. The possessions of the French Canadians, as a general rule, did not exceed thirty acres, even for the better sort of cultivators; they were lazy and slovenly in their agriculture, and content to do just what their fathers did before them, without attempting an improvement. They had no capital, and they felt tithes, and the other taxes which they already were subject to, very heavily. If the House was to attempt to impose the slightest additional tax—the merest apparent trifle, a sum not sufficient to break a fly's back, it would be enough to alienate them from the Government, or make them break out into rebellion. Even under Lord Dalhousie's government, excellent as it was, and highly respected as he was, it was made matter of accusation against him, that he had allowed the property of the Canadians to be appropriated, without the sanction of the House of Assembly.

He (Sir C. Grey) thought it extremely advisable, that expression should be given to the public feeling in Canada, by means of municipal institutions. There should be popular councils and municipal institutions introduced throughout the various districts, especially of Lower Canada. It appeared to him, also, that before there was a complete union of the two provinces, it would be desirable, for a short period, to bring into united action, at a certain season of the year, the Legislative Council of the two Canadas.

Sir *Robert Peel* should first address himself to the resolution which had been moved by the hon. Baronet, as an amendment to the House going into Committee on the Canada Bill. The principle of that resolution was to declare, on the part of the House, that considerations of humanity, justice, and sound policy demanded that Parliament should apply itself to legislate for the permanent government of the provinces. He (Sir R. Peel) must, in the first place, observe. that he held himself entirely free from any responsibility whatever as to delay; that whatever responsibility the hon. Baronet might impute to him in future proceedings, he felt himself absolutely free from any responsibility as to the past. At an early period of the present Session he had asked the noble Lord whether he intended to proceed to legislate practically for the Government of Canada this Session, and the noble Lord answered that such was his intention. A few weeks after this, he again put the same question to the noble Lord, further asking him whether before Easter the House would have an opportunity of seeing the legislative measure by which it was proposed to provide for the future government of Canada, and he received an assurance that it was intended to submit such a measure before Easter. He had at the same time intimated his strong opinion that unless the proposed measure was in the hands of the House before Easter, the opportunity of legislating on the subject this Session would be altogether lost, and the Session would pass over without anything whatever having been done. He had no hesitation in stating that could he have foreseen that the intention of legislating for Canada would have been abandoned, he would himself have submitted to the House some proposition, in order to bring this question to some practical issue. It was not, however, till a very advanced period of the Session that he understood from the Government that they had abandoned all hopes of legislating on this subject. The hon. Baronet asked him (Sir Robert Peel) to discard all party considerations, and to consult only the interests of the provinces. This was what he had always proposed to do; but he doubted whether if he were to concur in this resolution at this period of the year he should not be considered as abandoning this principle of conduct. The resolution of the hon. Baronet meant that the House should in the present Session apply itself to legislation on the subject: the words of the resolution were "without delay." But if they were prepared on the 11th July to legislate for Canada in the present Session, why go through the form of this preliminary resolution?—Why not proceed at once to the consideration of some practical measure? If the resolution merely went to pledge the House to proceed with this subject in a future Session, it seemed to him superfluous, for he (Sir Robert Peel) was distinctly of opinion that the House would altogether neglect its duty if it permitted the beginning of the very next Session to pass over without taking some decided steps for settling this question. The hon. Baronet had offered no explanation of what he proposed to do. In asking him (Sir Robert Peel) to pledge himself to co-operate with him in legislating for the permanent government of Canada, the hon. Baronet had, in the course of his speech, given him very little practical assistance towards the forming a judgment upon the point. The hon. Baronet had laid down no practical principles, had stated no conditions on which union was to be effected. He (Sir Robert Peel) considered it essential that a full statement should be made from the opposite side of the House of what they proposed to do for the settlement of this question. If it was seriously contemplated to adopt a union of the provinces, let them have the measure with full and distinct explanations of all the details, and also with some assurance that it would be satisfactory to the people of the Canadas. If her Majesty's Government declined the duty of legislating on the subject, no one else could at present take it up. No one not having access to official sources could acquire the requisite information. What means had he

(Sir R. Peel) of ascertaining how far the present circumstances and feelings of the Canadians were favourable to this measure? He wished, indeed, that the advice he gave three years ago on this subject had been taken—to go into a Committee of the whole House, for the purpose of inquiring and ascertaining what were the wishes and sentiments of the people of Canada with respect to a union of the Provinces. Unless her Majesty's Government gave the House the means of judging of this question, by making those inquiries which were necessary—unless they, on their own responsibility, placed upon the table a plan with details matured and considered, there could be no reasonable hope of effecting anything during the present Session. He could not, therefore, concur with the hon. Baronet. He repeated, that he thought this the most difficult problem to solve that had ever been submitted to Parliament. They had difficulties of a conflicting nature to reconcile. But their first step was to look those difficulties fairly in the face. It was not by vague discussion and talk about the necessity of a settlement or the policy of a union, but by really considering the great questions before them with a view to an immediate measure. He agreed in the principle that we ought to maintain the Canadas. He thought that if Canada were adverse to the connection with this country, that it would be almost a hopeless task to legislate. But the Canadas had declared their firm allegiance to their present Sovereign and their attachment to the British connection. They had proved, by an exhibition of the greatest courage and fortitude, and by the endurance of the severest suffering and injustice, their determination to maintain that connection. He did not consider, therefore, that it would be compatible with the true interests or the honour of the country, looking at its extensive colonial dependencies, to abandon that connection, even if it could be supposed unfavourable to its pecuniary interests. He believed that the glory and strength of this country would be extinguished if from any paltry considerations or from timidity, they should reject the offer of that gallant people, who told us that they were ready to run all hazards to preserve their connection with us, and to maintain the integrity of the empire. At the same time, it was impossible to overlook the tremendous responsibility which rested upon them in legislating for the Government of that Colony, and in providing that it should be effectual for the maintenance of domestic peace, and for defence against foreign attack. They were bound to provide that the government of that country should be constituted on a principle which would enable them to maintain British supremacy. That government should be further constituted, not with a view to the benefit of the country, but for the advantage of the colonists. Whatever the pecuniary interests of this country might be, he (Sir Robert Peel) thought that the government of the colony should be conducted with a regard to the welfare of, and, as far as possible, in conformity to, the wishes of its inhabitants. That was the only way in which the connection could be secured. But, undoubtedly, there were the greatest difficulties in attempting the formation of any such government. They had, as an hon. Member had observed, two peoples, speaking different languages, with different customs and laws, and it was necessary to ascertain what was to be the security under any future government for that party who should be in the minority. Some hon. Members in that House, perhaps, might have implicit faith and confidence in the wisdom of a majority; but he had not, and he thought that, immediately after the forcible suppression of an insurrection, there was still less ground for confidence in the wisdom and moderation of a triumphant party. He was well assured, that it was an absolutely necessary precaution, with a view to rendering Canada a thoroughly British colony—with a view to the introduction of British laws, and to the continued maintenance of British supremacy — that they should take some effectual guarantee that the present majority in one of the provinces, when by a union it should become a minority, should not be exposed to injustice. They were bound, as he said before, to make their legislation such as the Canadians could not complain of. Now, the religion of Lower Canada was the Roman Catholic. All the securities for the maintenance of that establishment must continue. Further, they must be perfectly certain, whatever might be the modification of the elective franchise in which the united government was to be founded, however property and numbers might be blended in the new representation, that effectual securities remained against any such preponderant influence as might counteract the intentions of the British Parliament. The Government having considered these points, must either propose some scheme of settlement, founded on extensive inquiries, and a knowledge of the feelings and wishes of the inhabitants of the colony, or Parliament must, for the present, abandon the task of legislation. The hon. Gentlemen opposite seemed to think that the period for a union was already past. The impression on his mind seemed to be that it would not be safe within any definite period. Upon this point, he (Sir R. Peel) must say, that if he had only the French Canadians themselves to deal with, he very much doubted whether it would not be their interests to continue, for some time to come, under a strong but just and lenient Government, such as at present existed. To bring them at once into close connection with a population opposed to them in feelings and prejudices, was a step which he for one did not feel confident would be of much advantage to their interests. But he must consider, on the other hand, the interests of the British population in Lower Canada. They had been faithful to the British Crown, and there was no reason why they should be subjected any longer than was absolutely necessary to a government which was in principle despotic. They had also to consider the necessity of affording to Upper Canada those facilities for carrying on her commerce, of which she had been hitherto deprived. Upper Canada was very fairly entitled to the navigation of the St. Lawrence. There were points which imperatively called for a decision; and he would repeat to the hon. Baronet, the Member for Leeds, that it was not by vague general assertions of the advantages of a settlement, but by going into those real difficulties, and propounding measures for overcoming them, that anything practical could be done. He now came to the speech of the right hon. and learned Gentleman opposite (Sir C. Grey). The right hon. and learned Gentleman undertook to convince him (Sir Robert Peel) that he was entirely wrong in thinking that they had made no advances towards a settlement. But what was the right hon. Gentleman's proof? The first advance, in his opinion, was the establishment of a despotism—of a strong and arbitrary government. But how far this helped them to a settlement, he (Sir Robert Peel) must confess he did not think the documentary evidence in existence, even including the fruits of the right hon. Gentleman's own labours as a commissioner—was sufficient to enable them to ascertain. In saying that he did not see a prospect of a satisfactory settlement, he was not denying the necessity of the present measure, to which he was giving his support; but he denied that the mere establishment of arbitrary power in Canada was an advance towards a settlement such as would give future satisfaction to the colony. He thought, indeed, that the right hon. and learned Gentleman must be himself of this opinion, for the only satisfaction he afforded them was, that, after having been tossed so long by the tempest, they were at length happily settled upon a rock. The utmost consolation which the right hon. and learned Gentleman could give was, that they had escaped the perils of shipwreck by being fortunately cast upon a rock in the midst of the ocean — rather a poor comfort to afflicted mariners. But the right. hon. and learned Gentleman professed to lay down the principles by which Parliament should be guided, and then he proceeded with a series of truisms which were as applicable to any case or country as those which were under consideration. The right hon. and learned Gentleman's first principle was, that the Governor should observe the laws. Who doubted it? The Governor ought not to outstep the limits of the law. He fully admitted it; but he did not see how it was more applicable to Canada than to any other country, or how it gave the least advance towards a settlement. The right hon. and learned Gentleman proceeded to his second maxim, and said it was peculiarly necessary to Canada to make property secure. He did not see that the attachment to property was peculiar to Canada. He did not think that there was any people who did not feel that the first bond of civilised society was the sacredness of property. He did not see the peculiar applicability of this principle to the case under consideration, unless, indeed, the right hon. and learned Gentleman intended some covert allusion to the bill before the House, to which it would be, in some degree, pertinent. Perhaps they ought to understand him as saying, not "avoid taking the property of the Canadians," but "take especial care that you do not shake the feeling of the Canadians, either by interfering with the tenures of their property, or by subjecting them to taxation, in the imposition of which they have no voice." If that was what the right hon. and learned Gentleman meant to say to them, he (Sir Robert Peel) must say, that he entertained sentiments very much in accordance with those of the right hon. and learned Gentleman. Another suggestion of the right hon. and learned Gentleman was the establishment of municipal institutions. Admitting the practical benefits which such a measure was calculated to produce, he did not see how it was likely to contribute much towards carrying into effect the union of the provinces; but, taking it for as much as it was worth, he thanked the right hon. and learned Gentleman for this his only practical suggestion. A fourth suggestion of the right hon. Gentleman was, the establishment of a sort of *ad interim* government for the two provinces. The right hon. and learned Gentleman proposed that the Legislative Council of Upper Canada should confer with the Governor and special Council of Lower Canada in matters of joint concern. He did not think that such a proposition would be very agreeable to the House of Assembly of Upper Canada. He did not think that a popular body would be content to give over to a provisional government—wholly irresponsible government—its most important functions. He considered that this suggestion might be fairly considered to counterbalance the advantage of the other about municipal institutions. He, therefore, thought, that the speeches of the hon. Gentleman who had addressed the House, did not, any more than the documentary evidence in existence, afford them any assistance in determining upon immediate measures. He had adverted to the suggestions of the right hon. and learned Gentleman who had promised to point out the practical course to be pursued, and he must say, that, considering the right hon. Gentleman's great acuteness, legal knowledge, and experience, a more sorry entertainment than that with which he had treated the House he had never met with. It was impossible for him to support the motion of the hon. Member for Leeds. If they were prepared for legislation during the present Session, let them proceed to it at once. But, if they could not legislate until next Session, let them not fetter the House with any pledge at present. He was perfectly ready to admit, that he thought the affairs of Canada ought to be an object of paramount concern to Parliament in the next Session; but he would not imply so much distrust in Parliament as to pledge it now for the next Session. Before the House proceeded with the consideration of the clauses of the bill, he wished to make some observations with respect to the general character and operation of the measure. This would be a much better course towards her Majesty's Government than entering into discussion upon mere details without any preliminary discussion upon the general scope of the measure. In fact, there had not as yet been any explanation of the particular object of the bill. He certainly thought, from the declaration of the Government, that it had been intended to extend the period of the existing bill for a short time, on account of some difficulties which it was anticipated might arise suddenly upon the expiration of the act in 1840. He thought that some additional powers would have been given to the Governor and special Council—the want of which at present threw great obstacles in the way of certain local improvement. He thought, too, that since, in consequence of the clause introduced into the Act of last year, preventing the provisional government from altering any law of the Imperial Parliament, considerable practical embarrassment had been found, that such an extension of power would be given to the provisional government as would enable it to preserve the public peace, and to repel aggressions. He had no hesitation in saying, that he should be prepared to give her Majesty's Government any of these powers for which ground should appear, or any which could be shown to be absolutely necessary for the maintenance of the public peace, or the effectual repression of insurrection. He would now examine the bill before the House more particularly, and consider it under three different heads. First, with respect to the duration of the present measure. He certainly was glad to find that it was not intended to extend the duration of the Act of last year. The Act of last year would expire on the 1st Nov., 1840. He was glad to find that her Majesty's Government did not at present consider it necessary to renew it, but were content to propose its renewal, if it should appear necessary, during the next Session. The present bill did not provide for the extension of the period for which the provisional government was to endure. Unless renewed in the course of next Session, the Act of last year would expire on the 1st November, 1840. But the bill before the House proposed that the ordinances of the provisional government, which would, under the existing Act, expire in 1842, might, under certain circumstances, have a more permanent duration. No change was to be made in the period for which the provisional government itself was to exist, and this part of the bill was not intended to be altered. It was proposed that the ordinances of the provisional government should have, in certain cases, a longer duration than 1842, but not that there should be any extension of the period during which that government itself was to continue.

Lord *J. Russell*, if it had been proposed to go on with the bill for the union of the provinces during the present Session, they should also have to extend the duration of the provisional government to January 1842.

Sir *R. Peel* was correct, therefore, in supposing that although an indefinite duration might be given to the ordinances of the provisional government—that government could not exist beyond the 1st of November, 1840, without the further intervention of Parliament. The second point to which he wished to call the attention of the House was the third clause in the bill. That clause contained much more extensive powers of taxation than he thought were at present contemplated by the House. First let the House consider the restrictions upon the taxing power which were imposed on the provisional government itself. By the Act of last year the governor and special council had not the power to impose any tax or rate, save only as far as concerned the continuance of any tax or rate payable within the province at the time of the passing of the Act. The Bill before the House proposed to repeal the restrictions imposed by the Act of last Session, and to permit the levy of any tax or impost within the province to any amount, without any restriction, excepting that the proceeds of such tax should be applied to local improvements within the province, and this provision

"That no such new tax, rate, duty, or impost, shall be levied by, or made payable to, the receiver-general, or any other public officer of her Majesty's revenue in the said province; nor shall any such law or ordinance as aforesaid provide for the appropriation of any such new tax, duty, rate, or impost, by the said governor, either with or without the advice of the executive council of the said province, or by the commissioners of her Majesty's Treasury, or by any other officer of the Crown."

He begged to call the attention of the House to this point. They removed the restriction, namely, that no tax should be imposed by the governor and council, except the continuance of an existing tax, and they gave the governor and special council power or unlimited taxation for local improvements. Observe, too, how indefinite the terms were. The bill gave a power to the governor and council to raise taxes "for carrying local improvements within the said province, or for the establishment and maintenance of police or other objects of municipal government." What were the objects of municipal government? Under these vague terms every expense of a domestic nature might be included. He could understand that the police of Montreal or Quebec might be defective, and that there was no power at present to apply a remedy. And if the Government had specified matters of this kind, he (Sir Robert Peel) would not have refused what might be asked as a cure for the evil, if the necessity for it had been made out. The course which the Government ought to have pursued was, to give a distinct enumeration of the objects for which this power of taxation was required. He would not then have refused it if they succeeded in showing its necessity. The right hon. Gentleman opposite laid upon the table of the House in the last few days a report of the council of Lower Canada, in which some approach was made to such a specification. The report says

"That the governor and special council should be empowered to impose taxes for purposes altogether local, such as the maintenance of a police force, the lighting and paving of streets, and for otherwise improving towns and villages, and to increase or reduce local rates already existing; and further to pass ordinances for the under-mentioned purposes, viz., for the inspection of produce, and to impose rates of inspection; for authorizing companies or individuals to construct railroads, canals, bridges, and other internal communications, and to impose tolls and rates of transport thereon; for the borrowing of money for internal improvements on the security of the revenues of the province."

The bill for the union of the provinces also contained a specification of the power to be exercised by the municipal authorities. From these different sources they might gather what was meant by municipal objects; but there was no precise definition of the phrase; and there was a bill now under the consideration of the House which, if it became law, would very much extend the meaning of municipal objects. The bill to which he referred proposed to give to town councils the power to raise money, not only for ordinary municipal purposes, but upon agreement of two-thirds of the council to raise money for the public benefit of the borough and the inhabitants thereof, by levying a rate on the inhabitants. Municipal objects might, therefore, have a very extensive meaning next year, and there would be no restrictions whatever on the power of the governor and council to raise money, on the ground of effecting local improvements and promoting municipal objects. In another point of view, the governor and council would still be prevented from appropriating to the public service more than was appropriated in 1832, or about 40,000*l.*; but they would have unlimited power of taxation for local improvements and municipal objects. He must repeat, that he was perfectly ready to consider any bona fide improvements or municipal objects that might be specified, but he objected totally to this unlimited power of taxation. He was also ready to enable the provisional government by the suspension of the Habeas Corpus Act, if necessary to maintain internal tranquillity and to put down insurrection. But it was absolutely necessary to define and limit the power of taxation. Lord Durham, who felt the necessity of some power of taxation for local improvement, proposed that an ordinance imposing a tax should have no force until laid before Parliament. He would ask whether this clause gave the power to the provisional government to incur debt for the promotion of internal improvements? If so, it might not only tax the colony to an indefinite extent at present, but mortgage its future revenues; and the new municipal institutions that were to be created would find it their principal business to raise funds to pay the interest of the debt so incurred. It was impossible, that Parliament could contemplate giving a power of this kind. He could not undertake to amend the clause, but as it now stood must oppose it. He would give the provisional governmen the power that might be necessary to prevent the obstruction of public improvements, to maintain the authority of the Crown, and repress insurrection—but he must contend for a limitation of their discretionary power over taxation. So much with respect to this point. He now came to the fourth clause, which gave most extensive power. He did not know whether he comprehended the general powers that were given by this clause, but he found, on referring to it, that there was a power given "to repeal, suspend, or alter, any provisions of any act of Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as then constituted, repealing or altering any such Act of Parliament." Let them know exactly the position which was established by this clause. He did not apprehend, that greater power was to be given to the governor and special council than the colonial legislature previously had; but in the original act, granting power to the Legislature, there was superadded this restriction, that they should not have the power of repealing or altering any Act of the British Parliament. In repealing this restriction, was an unlimited power given, or was it only given to the extent which the original Legislature had? Did they, for instance, intend that the governor and special council should have the power of dealing with the tenures of land? If it were fitting to give the power of dealing without limitation with the tenures of land, surely that was establishing a strong presumption, that the governor and council might be safely intrusted with the general administration of the province. He could not help thinking, that it was the original intention of the government to propose some limitation on this subject. He found, by a cautious note in the margin, that this power of altering the law of tenures was expressly limited to the enfranchisement of the Montreal district: he hoped that every Gentleman would read this marginal note, and he would find, that it was not intended that the governor and special council should have a general power of altering the law of tenures. This was another proof, that matters of this sort were not prepared with that care which they required. He admitted, in a spirit perfectly fair, that he would not withhold this power if they showed him, in a special case like that of Montreal, an opportunity of effecting a great public good with the good-will and consent of all parties, which, if deprived of this power, they could not effect. He would vote for granting that power in that special case, or in any other special case of a similar nature; but to alter the whole law of tenures, after the speech of the right hon. and learned Gentleman showing the connection of the Roman Catholic religion, with property, he was not prepared; and he asked therefore, was it right to give to a governor and special council an unlimited power of altering that law? He would make no objection with respect to the duration of the present law. That law would expire in 1840; but if he were convinced of the necessity of renewing that law, he would consent to a short renewal. As the law stood, the power of the present Government would expire in 1840. He must say, therefore, that he did not think it prudent to give to the governor and special council the unlimited power of taxation which the third clause gave, or those extensive powers of altering the law which were given by the fourth clause. It was said, that in consequence of the restriction imposed on the provisional government by the clause, commonly called Sir William Follett's clause, the power of suspending the Habeas Corpus Act was not given. There were doubts on the subject. How would the clauses of the present bill solve those doubts? Why not specify the nature of the doubt, and provide a distinct remedy? The governor and council had no higher power than the colonial legislature had. Had the Legislature the power of suspending the Habeas Corpus Act? Was it perfectly clear, that the colonial legislature ever passed a law to suspend the Habeas Corpus Act? [The *Attorney-General*, it was done in Upper Canada.] With respect to the power itself, he was ready to assent to it; and, as far as he could ascertain from the last accounts that had reached him, he entertained doubts whether, in the present state of the colony, they ought to refuse to the government of it, into whosesoever hands it was committed, full power to maintain the authority of the British Crown, and to provide for the security of its subjects. He had stated the grounds on which he objected to those clauses of the bill giving unlimited powers of taxation and legislation, and he had thought it right to state his view of the general operation of the bill before going into Committee. He would not undertake the modification of those clauses according to his own views, not having that information which was absolutely necessary to undertake that task; but he trusted, that government would—and he could not help thinking, that it would be the sense of the House, that the Government should—taking all the powers that were necessary for all specified local improvements, and for maintaining the public welfare, impose some limitations on the extensive powers that were proposed to be given by this bill.

Sir *C. Grey* begged to be permitted to explain. What he had recommended was, that after the establishment of municipal councils throughout both provinces on a good plan, the Legislative Council of Upper Canada might to a certain degree, be dispensed with, not abolished, and certainly not that the Assembly should be suspended or destroyed, but that the functions of the Legislative Council of Upper Canada should be conducted by a union of part of its members with the special council of Lower Canada, mainly for the purpose of giving their assent or refusal to the bills of Upper Canada, and of exercising some control over the Legislature of Lower Canada. The right hon. Baronet had stated, that he had provided him with a sorry entertainment. The right hon. Baronet should at all events recollect, that it had been gratuitously provided.

Lord *John Russell* did not think it necessary to detain the House with many arguments against the proposition of the hon. Baronet, the Member for Leeds, seconded, as it was, by the hon. Gentleman, the Member for Westminster. The right hon. and learned Gentleman, who had since risen had pointed out the disadvantages of that proposition. That right hon. and learned Gentleman had attended long to the state of Canada; he was intimately acquainted with it, and he was warmly attached to the maintenance of British authority in that province, and to the maintenance of the rights of the Crown, and at the same time entertained every regard for the interest and welfare of the people. He could not but recollect, on the other hand, that whatever might be the view of the mover and seconder of this motion at the present time, that in December, 1837, they appeared to carry their views to the subversion of British authority, to the defeat and disgrace of British power, and to the entire destruction of what was called the British party in Lower Canada. At present it appeared, that the views of those hon. Members were changed and having changed them, they now came and asked the Government suddenly to adopt a course of conduct which, according to their present views, was the best that could be adopted. Having made up his mind with regard to the best course to be adopted, he was not disposed to change it in consequence of the authority of the hon. Baronet, the Member for Leeds, seeing what a dangerous course he should have taken if he had followed the hon. Baronet's guidance on the former occasion. The right hon. Baronet, the Member for Tamworth, denied, that he considered himself as in any way responsible for the delay that had taken place in legislating with respect to Canada, during the present Session, and the right hon. Baronet having stated, that he was not so responsible, he was certainly not about to say, that he considered the right hon. Baronet, or that he could place him in a situation in which he could hold him responsible in any way, but, at the same time, he could not allow the other inference to be drawn, which might be drawn from the statement of the right hon. Baronet that in putting questions in that House to him at an early period of the Session, and repeating them afterwards, was by any means apparently and ostensibly urging on the Government the duty of legislating during the present Session. In his own opinion, when the right hon. Gentleman put his questions, he did not know whether it was the opinion of the right hon. Gentleman, that it would be for the public interest that they should proceed to legislate, or that legislation should be delayed, and he asked many Members what they thought was the opinion of the right hon. Baronet. Some said, that the right hon. Baronet was anxious for legislation, and others said, that the right hon. Baronet's opinions were decidedly against legislation, and that if legislation were proposed he would probably oppose it by a motion for delay. At all events, there was nothing in the questions that at all implied, either to him or to the House generally, that the right hon. Baronet wished to urge legislation during the course of the present Session. But whatever view he might have taken of the questions of the right hon. Baronet, certainly his view and that of the Government were considerably modified when, after the decision on the Jamaica bill, Government began to turn their view to this subject, because it appeared to him at all times the greatest misfortune if upon a subject of this kind there should be any way by which a general agreement, or an agreement of a great majority, could be secured, and they should, by precipitately urging their own course make the question a subject of party decision, and by making it a party question forbid the hope of a settlement that would be satisfactory to Canada. Although, in his opinion, they might dispute on questions of party politics affecting this country and with a people around them who were so affected towards the general authority of the executive as to enable it to preserve things in order, exposed to no imminent danger, yet when that authority was so far removed, as this country was from the colonies, there was the utmost danger that the empire would be weakened and impaired, if not ultimately shaken, by making questions of colonial policy to depend on party decision in the two Houses of Parliament. With that view, therefore, the Government was anxious not to precipitate any decision on this subject, and had, accordingly endeavoured to obtain the greatest support possible in presenting a measure for the settlement of the affairs of the Canadas. They had recently seen what authority was due to representations from the colony on the subject of the union, so far as regarded Upper Canada, and as respected Lower Canada, the present state of the people there forbade any expression of opinion coming from that province carrying any great weight, was to influence the decision of that House. Different Members of that House, and the right hon. Baronet himself, had spoken of the difficulties of this question; and the right hon. Baronet had admitted on this occasion, as on a former occasion, that there was not perhaps any question of legislation more difficult than that which presented itself on the subject of Canada. His own opinion was, that the principle of a union was the best principle of a settlement, not because the principle of a union did not in itself contain very great difficulties, but rather from a consideration of the difficulties attending every other plan, and every other view of the subject; but he at least had not come to this opinion from any blindness to the difficulties that attended this principle. It appeared to him, that they must proceed with respect to Canada upon one of two principles. They must either proceed upon the principle of the bill of Mr. Pitt in 1791, namely, that of separating the two provinces, or they must go upon the principle of uniting them. If they proceeded upon the principle of a separation of the two provinces, they would have to consider, that they could not so completely separate them as to make a French province and a British province, and the consequence would be, that the British portion of the population would be ever in collision with the French population. But when they had thus separated the provinces, looking at the peculiar French tenure, looking at the peculiar state of the Roman Catholic church, and at the state of the French authority in Lower Canada, they would have then to consider in what manner they should constitute the supreme authority. If it were arbitrary and despotic, they might depend upon it, that their subjects in that part of North America would not long quietly acquiesce in that species of arbitrary and despotic authority; they would not acquiesce in it as a permanent system of Government, seeing that it was neither in harmony with the authority established in this country, or in that under which they had so long lived, or in the neighbouring provinces, whether those of the United States, or those under the protection of the British Crown. They would naturally demand, and perseveringly demanding, they would, no doubt, obtain, the establishment of the House of Assembly, and of a representation founded on those principles of freedom to which the people of this country were long accustomed. With a Government founded upon those principles of representation, immediately again would begin the difficulties between the French and British races. The French majority and the English minority sitting in the same House of Assembly, the English minority would be urging everything that would tend to improve the province, to promote immigration, and everything consonant with British commerce and enterprise; and the French majority, in order to preserve their power, would discountenance every innovation, every change in the law—would discountenance commerce and immigration—and would obstruct, as far as possible, the improvement of the province. In this view, it would be utterly impossible to establish permanently an arbitrary and despotic authority in the French province; and it would be equally impossible, with any hope of harmony and concord, to establish a representation which should make the French party predominant, and which should seek to exclude British interests, and views, and enterprise. Upon a consideration of these different modes of government, he had come to the conclusion, that the best chance of future government was to lay a foundation of government by which naturally, in the course of events, the representatives of the British population should acquire a predominant influence in the Representative Assembly, and should thus gradually lay the foundation of a permanent flourishing province, attached as that portion of the population was chiefly attached to British institutions, as contradistinguished from arbitrary and despotic institutions on the one side, and from those of the United States on the other. He believed himself that this was the best principle to proceed upon. The difficulty of carrying it into effect was, no doubt, very great, the difficulties after carrying into effect the first proposition, and preparing the way meeting the Assembly, would also be very great, but still he was convinced, that this proposition afforded the best chance of maintaining a permanent connection with the authority of the British Crown, and of securing likewise the permanent welfare of the people of those provinces. He had stated this with a view to the general principle which they would have hereafter to discuss; now, as regarded the particular bill before the House, the right hon. Baronet said, towards the close of his speech, that supposing these powers, with regard to taxation and legislation, to be necessary, it forced the inference that they considered it a good form of government, that which was founded in a governor and council, superseding the representative Assembly altogether. He said, they were not acting in that way. These proceedings did not support any such inference. They did not suppose that any such consequences would follow from taking what he conceived to be the best means they could devise to make a provisional and arbitrary authority effectual for the purpose of hereafter forming a union of the two provinces and of the two people. The right hon. Baronet spoke of the very large powers that were given by this bill to impose taxes, rates, and duties for municipal purposes, for establishing and maintaining police, and providing for other objects of municipal government. The right hon. Baronet said, that these terms were very vague. He had received the able legal assistance of the Attorney-general in selecting those terms which should be most definite for the purpose in view, but if the right hon. Baronet could suggest any words that would be more definite, he would be quite ready to adopt them. These burthens were proposed to be raised solely for the benefit and improvement of the provinces, and neither the Government of this country nor of the province could have any object in going beyond the purpose of the improvements that were required. With regard to the second clause, the right hon. Baronet had pointed out, as was perfectly true, that the original intention of the clause was different from the present. It was proposed originally to give powers with regard to tenures of land, with certain limitations. It was originally intended to meet an agreement that had been made with a seminary at Montreal; but, if it were a good provision —if a great public improvement might be made by it, he did not see why it might not be extended. This was the reason why the clause was made more general than was originally intended. As, from the declaration of the right hon. Baronet, they had one common object in view, he would not make any vexatious objection to any suggestion of the right hon. Baronet on that point; but, at the same time, as the right hon. Baronet had not pointed out any amendment, he was not prepared to say, that the clause as it at present stood was too large. The right hon. Baronet spoke of the fourth clause as giving, as he conceived, a power greater than was intended, and as not applying to the case of the Habeas Corpus Act. He (Lord John Russell) conceived that it did apply, and that it was required on account of the defect or ambiguity of the bill of last year, by which great doubts were suggested both in this country and in Canada. It was a most unfortunate thing that newspapers should have gone from this country to Canada, professing to convey the opinions of two noble and learned perons s holding very high judicial situations, stating that the proviso in the Canada Bill, called Sir W. Follett's proviso, was not merely passed with regard to Lord Durham's ordinances, but went much farther, and affected the power of suspending the Habeas Corpus Act, or of imprisoning persons who were involved in the consequences of high treason, without immediately bringing them to trial. On this doubt, as so represented, two of the judges in Canada acted; and, what he conceived to have been a very great misfortune to the province, having to decide upon the construction of the Act of Parliament, these two judges, who he believed acted most conscientiously in the exercise of their judicial functions, gave an opinion which was fatal to the security of the province. He would reserve what further he had to say with respect to the particular clauses referred to until they were in Committee, when he should be ready to consider any suggestions that might be proposed with respect to the amendment of the wording of any particular clause. He must say, as he had already said, that not agreeing with some of the opinions expressed by the right hon. Gentleman, he was still ready to lend his assistance, in order to effect the declared object which they had in view—namely, to secure the province of Lower Canada to the authority of the Crown, and, at the same time, to provide for the general welfare and happiness of the people.

Sir *R. Peel* rose to explain. It seemed to him that the noble Lord had misunderstood him. He did not mean to limit the provision to the police of Quebec or to the deficiency in any particular town. It was manifestly the interest of all towns to have a good police and to be well lighted and well watched. He did not mean to give the Governor in Council a power to cause all those towns to be well lighted and well watched, but he meant to give to the inhabitants a power to tax themselves for municipal purposes. But when they were going to give powers which were not to be placed under popular control it was right that they should have some limitation, and that they should know the precise extent of those powers, and what were the particular local improvements to which the exercise of those powers was to extend.

Mr. *C. Buller* said, he did not know what object would be gained in discussing particular clauses before the bill was in Committee. He must say, however, that he was inclined very much to concur in the objections to the 4th clause. The subject of a change of tenure greatly affected the properties of the people of Lower Canada; there was also a national feeling on this subject, and unfortunately it had been one of the most recent subjects of dispute between the two races. If they gave the Governor and Special Council the power of legislating on these tenures, it would excite a justifiable alarm that this Special Council, composed of their political opponents, would exercise their power to introduce a general change which had been so long resisted. The noble Lord the Secretary for the Home Department said, that the power was given in order to meet the exigency that occurred in the district of Montreal; but two or three such exigencies might arise in other parts of the province as that which had long existed in Montreal, namely, a case where the property was burthened with a disputed title, and the Government made the change of tenure contingent upon a recognition of the title. He could not concur with the right hon. Baronet in his objections to the third clause, nor participate in his alarms as to the increase of taxation which it would occasion. The right hon. Baronet's observations upon this subject appeared to him exceedingly sound and appropriate as a general theory applied to colonial government, and they were applicable to any colony except Lower Canada; but there they would be inapplicable on account of the enormous surface of the province. The amount of taxation at present was about 140,000*l.*, of which only 60,000*l.* was required for the general purposes of government; all the remainder being expended in those various public improvements which formed an extensive part of the expenditure of any new colony. When he admitted that the present taxes of the colony were more than were required for the purposes of government, he was aware that he laid himself open to the inquiry why they should want increased powers of taxation. The simple fact was, that in a colony like Lower Canada, if you denied the power of raising taxes, you denied, in many of the most important cases, the power of legislation. He would instance the various matters relating to police, quarantine, besides that, in his opinion, most desirable object of a registration office; which, though that might here very properly be called matters for municipal taxation, could not be so considered in Lower Canada, where there were no sort of municipal institutions. The right hon. Baronet seemed to be exceedingly afraid lest the Government should be tempted, with an income already beyond their general wants, to abuse this power of taxation to their own purposes. This was the whole evil now apprehended by a party who had no qualms or hesitation in empowering the same Government to suspend the Habeas Corpus Act, and the trial by jury, and all the other features of constitutional government in that colony. He believed, that the only ground of apprehension on this score entertained by the Canadians was, lest the Council should raise taxes for general public improvements, which the merchants and landowners were of course naturally anxious for, but which the Canadians had always opposed. He could not but think that it was rather hard that the right hon. Baronet opposite should find fault with his hon. Friend near him for not bringing forward a bill of his own, in opposition to that of her Majesty's Government; for he believed, that his hon. Friend approved of the general principles upon which the government measure had been framed, and that if the Government had gone on with it, his hon. Friend's objections in matters of detail would have been entirely obviated. But however this might be, he really could conceive no mischief to arise from any man's and every man's coming forward to say what he thought respecting the past and future treatment of the Canadas; and he apprehended danger from no other cause than from the absence of discussion—from its not being known what they thought and what they meant to do, and from the consequent prolongation of that system of mystery and vacillation which he looked upon as the main source of the present ills of these colonies. He anticipated evil from the general indisposition of the House to look the present state of the colonies and the whole policy of the colonial government fairly in the face, to determine on what principles that policy was henceforth to be conducted, and to make those extensive changes in our colonial system which must be suggested by calm deliberation on the working of the present order of things. He dreaded the continued ignorance of the real state of affairs which this aversion to discussion was calculated to produce among ourselves; and from all he saw and heard, he apprehended that when all their shifts had been exhausted, and when they could no longer stave off the moment of decision, they would come to that decision with no more settled views, no more complete information than they possessed at present. He dreaded also the effect of their inaction on those colonies. When their inhabitants, who for the last two years had never known security of person or property—who had been looking to that House for the settlement of their affairs, and had expected by every packet intelligence of its determination respecting the institutions they are henceforth to live under—when they find that the Session from which they expected the final settlement of their disorders had passed over without a single step being made towards it — that nothing had been done, that only vague indications had been given of what Ministers, none of what Parliament, intended to do, what did they think would be the result on their feelings? Without speculating on the irritation, which he could not but consider the natural fruit of this apparent indifference to their fate, was it not obvious that these people must infer that we had really come to the conclusion either that no remedy was required, or that it was hopeless for us to attempt to devise one — that we left them to their fate to shift for themselves. There was one advantage of this debate, in the noble Lord's having entirely thrown over, on this occasion, the specious pretexts for delay which he sometimes brought forward; sometimes attaching great importance to the report from Mr. Hagerman, and sometimes to those mysterious despatches of Sir George Arthur, to which he ever and anon referred as the hidden causes of his inaction, and had frankly avowed, what every one knew before to be the real reason of our having no Canada Bill this Session, namely —the present state of parties. He supposed, that this was one of the apprehended dangers of discussion; that it was feared, that the Canadians might discover, that the real cause of an obstinate inattention to their unhappy condition, was the weakness of the Government, and in the unscrupulous and factious opposition of their opponents. He wished to treat this subject apart from the petty objects and views of the parties of the day; but he must say, that he thought both were equally blameable for it, or that, indeed, the opposition wer e even more blameable than the ministers. It was the common shame of both, that they made the interests of our countrymen in the colonies the sport of their party manœuvres. While the Gentlemen opposite, acting on principles which he must be excused for saying appeared to him the most immoral ever avowed by an Opposition pledging themselve to no system; suggesting no more advisable course, thought their functions were discharged by the exercise of a perverse ingenuity in discrediting and thwarting any and every plan proposed by the Government—while the Government, instead of meeting this factious hostility with the vigour which would quell it in a moment, instead of gravely maturing, and boldly proposing large and sound measures, and trusting to the good sense and good feeling of the country to insure their success, and scatter to the winds any party that should dare to thwart them in such a cause, attempted to evade the criticism of its measures, by offering no measures to be criticized. While such was the petty and discreditable game of parties, the great colonial empire of Britain was crumbling to pieces on every side of us, and they were involving in certain ruin the dearest interests of thousands and millions of their countrymen. They had fought their party fights on Canada and Jamaica—they had mutilated one bill and thrown out another—forced Lord Durham to return, and crippled Sir Lionel Smith, and what was the result? They had probably barbarized one colony and revolutionized another. And did they flatter themselves that these were evil deeds, for which they would not some day be made answerable? Did they flatter themselves that they had taken a course which, whatever temporary party purpose it might serve, would give them a claim to any lasting feelings of regard and gratitude from their countrymen? He well knew the difficulty which must be experienced in securing the assent of a Government to so entire a change of its whole policy as that which Lord Durham had proposed in the system of colonial government; but he could not understand how any one could cast his mind over the recent history of our colonies, or advert to their present deplorable state in every thing that respects their government, without coming to the conclusion, that in our whole colonial system there is some radical vice requiring vigorous and searching correction. The system of governing the colonies from home had had a long trial in the North American provinces, and proceeding on the principle of combining an irresponsible executive with a representative legislative, how had it practically worked in them all? He said all: for, in truth, the evils to which he had now to apply a remedy were not to be found in the Canadas alone. In every colony of British North America there was the same constant collision between the Assembly and the Executive Government; and in all the catastrophe of an absolute stoppage of the machine of government either had arrived or was fast approaching. In the case of Lower Canada, the blame was laid on the perverseness of the French; in Upper Canada, on Mackenzie; in Newfoundland, on the Catholic religion; and he dared say that in the other provinces there were some persons, whom the officials represented as few in numbers, and singularly perverse in purpose, to whose causeless malignity they attributed the constant collision between the different powers of Government. But when they took all these phenomena together—when they saw exhibited in every one of these colonies the same practical difficulties in the working of the present system, were they not forced to conclude, that there must be some common cause for these common ills, and that that cause must exist in the very frame of Government, which was everywhere out of order? Compare the British provinces in North America with the contiguous States of the Union. In almost every natural resource the former had the advantage. Compare the present condition of the two. In every respect of tranquillity and content, of civilization, of material prosperity and industrial activity, of legislation, and of general education, our provinces were so lamentably behind the neighbouring settlements, which are all of a much more recent origin than themselves, as to make every Englishman that valued the honour of his native land blush when he witnessed the palpable inferiority that almost everywhere on the North American continent was the distinctive mark of the possessions of the British Crown. He certainly did not attribute this difference to any inferiority of republican over monarchical institutions. He believed the advantage to be on the side of the latter. But he could only refer to one more essential difference between the two Governments, and he thought he could find it in the influence which the one people had over its own Government, while, by the narrow policy of our colonial system the other was deprived of the control of its own internal affairs. This was the fundamental error which Lord Durham had pointed out in the government of these colonies. This was the error which he would rectify, by establishing an entirely different practice in our colonial government; by proposing it as a rule of government, that the executive of the colony should be kept in entire harmony with the legislature; that the system of constant interference with the details of colonial affairs should be abandoned; and that the colonial government should, in fact, be carried on in the colony, and not in Downing-street. The change proposed was a great one, but it was a simple one; it would, at any rate, render colonial government a much simpler and easier thing than it had yet been. He should like to have it explained to him how, under any other system, it was supposed possible to have any harmony between the different branches of the legislature, or any efficiency in the Government. He would not now enter into the discussion of the details of the working of the present system, because the consequences of the original vice had been amply detailed in Lord Durham's report, and traced by him through every institution of the colonies. He merely referred to it, in order to remind the House, that the contest of races in Lower Canada was but one of the many causes operating to produce the present calamitous state of our provinces; and that the union proposed by Lord Durham was calculated, in his opinion, not merely to settle that question in the only manner in which any rational friend of humanity would desire to see it settled, but that it aimed at the still higher object of forming these colonies into one large and important community, fit to manage its own internal affairs while the colonial connection subsisted, not unfit to stand by itself whenever that connection might be dissolved. He was not one of those who thought that that connection need necessarily be of brief duration or mischievous influence. He was not one of those who thought colonies were useless to a state. To plant colonies in the wilderness—to turn the unemployed resources of nature to account, and to provide a competence for our own population—to raise up new branches of trade, and new nations of customers—appeared to him a wise and noble policy in a great nation. If we maintained colonies for these purposes—if we gave up the old policy of dividing in order to govern, but sought only to maintain an empire by making it a source of benefit to the dependent province—he did not see why these colonies might not long remain under the protection of Great Britain, and be a source of unmingled profit. It would be necessary for this purpose to abandon every notion of making them nests of aristocratic patronage, and to abandon every antiquated scheme of regulating trade. If such ideas were abandoned, and he believed that no Gentleman in the present day would avow them, he did not see what cause of collision could ever arise between the colonies and the mother country. To regulate their foreign relations, and to secure the immigration, and the settlement of waste lands, were the only objects left to the mother country. And though the noble Lord, arguing in a manner in which it would be easy to demonstrate the impracticability of any form of government in any country, had remained fixed in the notion that the colonial assemblies would always insist on interfering precisely in those one or two matters which were excepted from their powers, yet he could not anticipate that the representatives of a colony would have so little sense as to tear asunder their connection with the country of their fathers, to forfeit the protection of our armies and navies, and to stop the supply of that labour which was the only source of prosperity to a new countrv, in order to gratify some whim of meddling in matters with which they had no business. With these two exceptions, he saw no reason for our ever interfering with the internal affairs of a colony. He thought that the principle of colonial government ought to be that the people of the colony were more competent to manage their own affairs than the constantly changing offices of a department in the mother country; that they would probably act with as much justice and as much good sense as other people; and that if they acted unjustly or unwisely, they must be the chief, and probably the only sufferers, and must, like other communities, purchase wisdom by experience. He himself could not believe in the necessity of this constant superintendence on our part, when he recollected, that almost every prominent cause of dissension in these colonies had been placed in it by some blunder of the Imperial Parliament or the Colonial-office. His hon. Friend, the Member for Leeds, had asked him, whether he was content to stand by and see Lord Durham's report completely thrown over. He was certainly committed to that report. Had he dissented from any one of its main doctrines, he should have felt it due to himself to make public that difference of opinion. He had not done so because there was no part of that report from which he either dissented at the time of its publication, or of the soundness of which subsequent reflection had induced him to doubt. He was not anxious for the immediate adoption of the measures recommended in the report, because he thought that Lord Durham's reputation required not the approbation of any person in this House or in the Government. He had good occasion to appeal from them to the judgment which had been passed on his report by all impartial thinking men in this country; and when he looked to the reception which it had experienced in those colonies, to which it more immediately related, and to the echo of that opinion from other colonies, which had found in his views a great applicability to their own present or future condition, he thought he might feel pretty confident, that whatever might be the period at which the report might be acted upon here, it had had an effect in the colonies, that nothing could prevent them from coming to a speedy triumph of his views. He thought he might feel very sure, that his report would be the text-book of the colonial reformer, until it became the manual of the colonial government of Great Britain.

Mr. *Labouchere* rose, not for the purpose of entering the very wide and general discussion into which the House had that evening diverged, but rather for the purpose of expressing a hope that the House would not longer delay the business of the evening, but would proceed at once to the consideration of the details of the bill in Committee. He should confine the very few words he had to say to observations of a general nature on the bill itself, and on the objects which it was intended to accomplish. He had heard with pleasure that no essential difference in principle as to this bill existed in the House. There seemed to be a general impression that it was our duty to provide without delay for an object, which, in Lower Canada, was of urgent necessity—namely, that while we were anxious to mitigate the exercise of arbitrary Government there, by taking every precaution against the abuse of it, we should still not impose a practical grievance upon that colony by disabling it from legislating on pacificatory principles, and from introducing any ameliorations into its internal condition. For his own part, he was of opinion that there were no pacificators like employment and industry. And he was sure that nothing would produce a political calm sooner than turning the minds of the population to schemes of industry and improvement. He begged the House to consider the strange and anomalous condition of Lower Canada alone of all the British colonies. In that colony hardly any transaction like that which was necessary to pass a private bill through that House could now pass; and therefore no scheme of local improvement could now be carried into effect there. It was also found impossible to keep up the usual establishments for the preservation of good order in the colony—such as schools, police, &c. These establishments at present were either wholly inoperative, or would speedily become so, if the House did not interfere. Believing, therefore, that hon. Members on both sides of the House were desirous to put an end to this state of things, he entreated them not to fall into the error of introducing words into this bill which would bar the very effect they wished to produce. There was one subject of great importance, on which the statement of his hon. Friend the Member for Liskeard, who on this question had a sort of demi-official authority, was calculated to cause considerable misapprehension—he alluded to the account which his hon. Friend had given of the actual state of the revenues of Lower Canada, and of that portion of them which was applicable to local improvements. It was clear that if there were any revenues which could be so dealt with by the local Government, the necessity of imposing any local rates for such purposes would be materially diminished. In fact, however, the local revenues of Lower Canada had diminished from 153,000*l.*, which was their annual amount in 1832, to 60,000*l.* in the last year. Now, out of these local revenues all the grants for the police and the education of the entire province were provided: and in one of his last despatches Sir John Colborne had declared, that unless some means were devised for increasing the amount of these revenues, he should not be able to keep up these establishments another year. Now, by enabling the local Government to make rates for this purpose, the House would enable the Governor to provide for the maintenance of establishments which, though absolutely necessary, must be abandoned, unless such power was granted him. He entreated the House not to be induced by any idle jealousy of the powers to be intrusted to the local Government to abstain from giving to it the means which were necessary to carry into full execution that arduous task which had latterly been thrown upon it, and which it had hitherto discharged in such a manner as to entitle it to the entire approbation of the House, the cordial support of Government, and the warmest gratitude of the whole country. He also implored them not to withhold from the local Government the power of making any laws of a permanent character. Already there was a great demand on the part of the colonists for a law to provide for a better tenure of lands. Already were the factious part of the population accusing the British Government of intentionally postponing the introduction of such a law. What was the consequence? All the accounts he had received from the colonies concurred in declaring that public confidence had been completely overthrown by the existence of the present unhappy state of things, that transactions relating to property were to a great extent suspended, and carried on under great disadvantages. From the information that had reached him, he should be justified in saying, that it would be unsafe to continue the system of inaction for another year. He knew the meaning of that cheer; he supposed hon. Gentlemen intended to express an opinion, that, if this were the case, Government ought, during the present Session, to have dealt with the wider questions that were still open, and effected a permanent settlement of the affairs of Canada. He did not stand there to deny, that if they had done this, an immense good would have been obtained; and he would say, that during the earlier part of the Session it was the most anxious hope and desire of Government to effect this settlement; but in the course of that very night's debate, he had heard much from Gentlemen on both sides of the House, which should induce them to pause before imputing blame to Government, that at the end of the Session they had come to the conclusion, that the balance of advantage was against legislating precipitately on a subject of so great importance, and in favour of stating to the House and to the colony, in the form of a bill, not only the principles on which they proposed to proceed, but the manner in which they thought that these should be carried into effect. A great point would, in his opinion, have been gained, if the House had agreed to the second reading of the other bill relating to Canada which had been brought forward by Government, and thereby affirmed the principles of the union of the two provinces, and the establishment of municipal institutions. He very much regretted that that measure had not advanced so far, and hoped that the House would not refuse to go into committee on the present bill for the purpose of considering its provisions.

Sir *E. Sugden* had given his best assistance to Government on the questions which had arisen out of the state of Canada, and was most ready to go all justifiable lengths in supporting the measures they might bring forward for the adjustment of the differences unfortunately prevailing in that colony. He stood now on the ground he had originally taken, and from that he would not depart. The noble Lord opposite, at the beginning of the last Session, had told the House, that he was not prepared to sacrifice the French Canadians to British interests, and the right hon. Baronet, the Under-Secretary for the Colonies, had deprecated the passing of any laws intended to be permanent, which could be regarded by them as oppressive or vexatious. He entirely agreed with these sentiments, and though he was perfectly prepared to join in giving every assistance to Government in introducing improvements in the internal regulations of the colony, yet he would not consent to grant any powers to the Governor and Council which should be directed against the interests of the French Canadians. He had considered with that view the provisions of the present bill, and he must say, that they appeared to him calculated to rouse the worst feelings of the French Canadians, and excite those very disputes between the two races of inhabitants which it had been hitherto thought desirable to repress. Lord Durham, in the report which he had made, had expressed an opinion, whether wisely or not, that it was impossible to prevent a contest between the two races. He agreed with that noble Lord, that, if authority were reposed in the French Canadians, they would abuse it; all their proceedings satisfied him that that was to be expected, and it was quite clear, that the British Canadians would never permit power to be so lodged in such hands. He was willing, that the French Canadians should be deprived of that power which they had formerly abused, and that they should be coerced as far as was necessary for the general welfare; but, on the other hand, he would not go a single step beyond what the necessity of the case required. Take, for instance, the case of tenures. It was now proposed to confer on the Governor and Council power to alter the land tenures of the French Canadians; in other words, all the laws which regulated their landed property. The bill would enact, that the ordinances of the Governor and Council should not be valid till her Majesty's assent to them was signified, and that before that assent was granted, they should lie thirty days on the table of the House. That he thought was a very bungling mode of legislation. If these ordinances were to come to this country for the approval of the home authorities, there was no reason why Parliament should abandon its legislative functions, and confide them to the colonial Governor and Council and the Crown. He did not think it at all likely, judging from the manner in which Parliamentary papers were usually treated, that the papers would attract much attention during that space of time when they were to be submitted to the consideration of the House. Be that, however, as it might, he could not consent to interfere with that law of property, the maintenance of which had been guaranteed to the French Canadians by the Imperial Legislature. The English law of property had been in the first instance introduced into the colony after the conquest, but the French law was restored by the 14th of George 3rd, and was not disturbed by the statute of 1791. They were now asked to invest a despotic authority with power to alter the tenures of the French Canadians. A more unjust or impolitic provision he (Sir E. Sugden) could not conceive. The noble Lord had himself stated the number of French Canadians at 500,000 out of the 600,000 inhabitants, and had said, that the religious question was bound up with the question of property. He would at once admit, that there could not be a greater absurdity than to ingraft feudal institutions on a province to which they had granted a representative form of Government. But that absurdity they had themselves committed, and he for one would not be a party to the violation of the compact into which they had entered to preserve the institutions of the French Canadians. He could not consent to grant a perpetual power to pass laws to the Governor and Council. He would not consent to grant powers which must be regarded as preparatory to the union of the provinces, and by conferring which the House would give the noble Lord some reason hereafter to say that they had pledged themselves to the principle of union. At the beginning of last Session, when the act for the government of Canada was before the House, several hon. Members had urged the necessity of granting those powers which the present bill would confer, and the noble Lord and right hon. Gentleman had strongly objected to the proposal. What was it that now rendered those powers necessary? The failure of Ministers to mature a plan for the permanent government of Canada. He had no means of knowing whether or not blame were justly attributable to them for not having done this, and therefore he would take it for granted that the difficulties in the way of bringing forward a plan at present were insurmountable. He thought, that Ministers had not acted fairly by the House in neglecting to lay on the table before that day the communications they had received from the authorities in Canada. If they had designed to take the House by surprise, of which intention, however, he entirely acquitted them, they could not have followed a more convenient course. Were they, he would ask, to leave the Governor and Council to decide all these grave and important questions now pending, than which none could be imagined more closely affecting the welfare of the inhabitants of a colony? Were the Governor and Council, for instance, to establish an appeal court—an institution which did not exist in a perfect form even in this country, and which if good for the Canadians must be at least equally good for the inhabitants of England? Then there were the rights of the seigneurs, in which the interests of at least 50,000 proprietors of the soil, holding their land under tenures, the maintenance of which had been guaranteed by Parliament, were involved. The abolition of these tenures would be as flagrant an act of injustice as had ever been inflicted on colonists by a superior power. He believed, that these tenures were injurious to the interests of the Canadians themselves, but the Canadians thought otherwise, and with them the sole right of deciding rested. He could not, therefore, consent, by agreeing to the present bill, to disturb a compact which former Parliaments had made with the Canadians. He objected also to the mode of taxation. If ever there was a question which demanded the sympathy of that House—the representatives of the people of England—it was this question of taxation. The Governor and Council were to have the power of taxation against the will of the people, and while the constitution of the colony was suspended. Now, he objected to such a power, first, on the general ground, that the people of the colony ought not to be taxed against their will and without their consent by their representatives, and when such despotic powers were assumed by a Government he hoped that difficulties ever would arise and compel that Government to resort to constitutional means for the attainment of its objects. But, in the next place, he objected to the scheme of taxation, because the taxes to be imposed were to be applied to purposes which, however good in themselves, the Canadian people were decidedly opposed to. Was that a proper principle for the Imperial Parliament to act upon? No, it was a principle repugnant to the constitution, and he should, therefore, oppose this part of the proposition of the Government. He should not trouble the House further at that time, but when they went into Committee he should oppose all those parts of the measure to which he had now directed the attention of the House.

Mr. *Hume* thought the speech of the right hon. Gentleman who had just sat down, the best radical speech he had ever heard. The right hon. Gentleman had said, that nothing could be more monstrous, than to impose taxes upon a people against their will, and without their consent, by their representatives, and he perfectly agreed in that opinion. He had said, that when a Government assumed despotic powers, he hoped that difficulties would arise, which would compel that Government to resort to constitutional means, and in that sentiment of the right hon. Gentleman he also agreed, and he trusted that this bill, which gave such powers to the Governor and Council, would not pass, if it was intended to bring forward a measure for effecting a final settlement in the next Session of Parliament. His object in rising, however, was to direct attention to the motion of the hon. Baronet who had commenced the debate. That motion was, that, "every consideration of humanity, justice, and policy demands, that Parliament should seriously apply itself, without delay, to legislating, for the permanent government of her Majesty's provinces of Upper and Lower Canada." Such was the motion which the House had to decide upon; and he must say, that during the last two Sessions, and the present, this was the only question which had come before the House, in regard to which no difference of opinion had been expressed. All sides had concurred in the principles of the motion of the hon. Baronet; and surely then it would have been wise to have brought forward some measure for the permanent settlement of the Government of Canada. The speech of the right hon. Baronet, the Member for Tamworth was, in his opinion, the most severe reproach upon the Government which could have been inflicted upon it, and, for his own part, he could see no reason why they should not have legislated in the present year, as well as in the next. He could not see how the extraordinary powers to be conferred by this bill, would pave the way to a final settlement in the next Session, and he feared they might have a contrary effect. They had already interfered too much in the affairs of the colony, and he held that they were ruining themselves, and ruining the colony, by their continued interference in the internal affairs of the people of Canada. It was only by consulting the interests of both, that the connexion of the colony with the mother country, could be rendered mutually beneficial, and such a course, he was sorry to say, had not been pursued by the Government. He was fully persuaded that the difficulties which the Parliament had now to encounter, had been created by themselves. If they had at first done that which was essential—if they had made the Executive Council accord with the representative body, the difficulties which they had now to contend against, would never have been felt. That was the only ground of complaint on the part of the Canadian people, when Parliament first interfered; that was the only difficulty which at first was to be surmounted, and the continued interference of Parliament had created the rest. Parliament, urged on by the Government, had inflicted evils on the colony, of which the longest liver would not see the end. He would not trespass longer upon the time of the House, than to express a hope that the despotic Government which had been established in Canada would soon be terminated. After the unequivocal expression of opinion on the motion of the hon. Baronet, the Member for Leeds, he would put it to his hon. Friend, whether it would be wise to press his motion to a division?

The House divided on the original motion; Ayes 223, Noes 28:—Majority 195.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Aglionby, H. A.
Ainsworth, P.
Ashley, Lord
Attwood, W.
Baillie, Colonel
Baines, E.
Baker, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bryan, G.
Buck, L. W.
Bulwer, Sir L.
Burr, H.
Burroughes, H. N.
Campbell, Sir J.
Cavendish, hon. G. H.
Chapman, A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Cole, Viscount
Collins, W.
Cowper, hon. W. F.
Dalmeny, Lord
Darby, G.
D'Eyncourt, rt. hn. C. T
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duffield, T.
Dunbar, G.
Duncombe, T.
Dundas, Sir R.
Du Pre, G.
East, J. B.
Eastnor, Lord Visc.
Egerton, W. T.
Egerton, Sir P.
Ellis, W.
Estcourt, T.
Evans, Sir De Lacy
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A
Filmer, Sir E.
Finch, F.
Fitzroy, Lord C.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Graham, rt. hn. Sir. J.
Grant, F. W.
Grattan, J.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.

Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hotham, Lord
Howard, F. J.
Howick, Viscount
Hurst, R. H.
Hurst, F.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, W.
James, Sir W. C.
Jervis, S.
Jervis, J.
Kinnaird, hon. A. F.
Knatchbull, rt. h. Sir E.
Labouchere, rt. hn. H.
Langdale, hon. C.
Law, hon. C. E.
Lemon, Sir C.
Lockhart, A. M.
Lowther, hon. Col.
Lowther, Viscount
Lushington, rt. hon. S.
Macaulay, T. B.
Mackinnon, W. A.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Morris, D.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parnell, rt. hon. Sir H.
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, hon. G. J.
Philips, M.
Phillpotts, J.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Praed, W. T.
Price, R.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rich, H.
Richards, R.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, J.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seymour, Lord
Shaw, rt hon. F.
Sheil, R. L.
Shelborne, Earl of
Sheppard T.
Sinclair, Sir G.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Spencer, hon. F.
Stanley, Lord
Stanley, M.
Stanley, hon. W. O.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Mr. Ald.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Viscount
Wallace, R.
White, A.
White, H.
Wilbraham, G.
Williams, R.
Williams, T. P.
Williams, W. A.
Wood, C.
Wood, Sir M.
Wood, Colonel
Wood, George W.
Wrightson, W. B.
Wynn, rt. hn. C. W.
Yates, J. A.
Young, J.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the Noes.

Bagge, W.
Baring, H. B.
Broadley, H.
Bruges, W. H. L.
Buller, C.
Burdett, Sir F.
D'Israeli, B.
Douglas, Sir C. E.
Dugdale, W. S.
Estcourt, T.
Fielden, J.
Forrester, hon. G.
Hall, Sir B.
Hindley, C.
Hughes, W. B.
Hume, J.
Johnson, General
Mackenzie, T.
Norreys, Lord
Parker, Rob. T.
Perceval, Colonel
Polhill, Frederick
Round, C. G.
Smith, A.
Wakley, T.
Wilbraham, hon. B.
Williams, W.

TELLERS.

Molesworth, Sir W.
Leader, J. T.

House in Committee.

On the first clause, that the number of councillors shall not be less than "twenty."

Mr. *Hume* thought this number of councillors would only render the despotism more hurtful and more injurious. It was better to have one despot than many. He should, therefore, oppose the clause.

Mr. *Leader* would rather give the power to Sir John Colborne alone, than to the Governor and a Special Council of twenty persons.

Mr. *T. Duncombe* was also opposed to the appointment of so numerous a special council. He wished to know also the manner in which they were to be elected; whether they were to be elected in the old manner? By increasing the number of the Council, they diminished the responsibility. He should therefore certainly object to the whole clause, and take the sense of the House.

Mr. *Labouchere* believed, in point of fact, that there were more than twenty persons in the Council of Sir John Colborne at present, and it was certainly desirable that their number should be specified. He wished to make no reflections on former special councils, but he thought by increasing their number, they should be able to have a body more connected with the interests of the colony, and the whole body would be responsible to the Canadian people.

Mr. *J. Hume*'s objection was, to any of these men being vested with power to pass permanent laws, and when the hon. Member, the under-secretary for the colonies, spoke of responsibility, he would ask if he did not know, that for many years, the Special Council of Lower Canada had laughed to scorn the whole Canadian people. If they were to have a despotism, he said again, let them have a pure and single despotism, with sole and undivided responsibility.

The Committee divided on the question, that the clause as amended stand part of the bill:—Ayes 272; Noes 15: Majority 257.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Col.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Bagge, W.
Ballie, Colonel
Bainbridge, E. T.
Baines, E.
Baker, E.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barnaby, J.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. G.
Berkeley, hon. C.
Blair, J.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Bryan, G.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Campbell, Sir J.
Cavendish, G. H.
Chapman, A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Collins, W.
Colquhoun, J. C.
Courtenay, P.
Cowper, hon. W.
Craig, W. G.
Dalmeny, Lord
Darby, G.
D'Eyncourt, C.
De Horsey, S. H.
Divett, E.
Donkin, Sir R.
Douglas, Sir C.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Dundas, Sir R.
Du Pre, G.
East, J. B.
Eastnor, Lord Vis.
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Ellice, E.
Ellice, W.
Estcourt, T.
Estcourt, T.
Evans, Sir D. L.
Evans, G.
Evans, W.
Farnham, E. B.
Fenton, J.
Ferguson, Sir R.
Filmer, Sir E.
Finch, F.
Fitzroy, Lord C.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gordon, Captain
Gore, O. J. R.
Graham, Sir J.
Grant, F. W.
Grattan, J.
Greenaway, C.
Grey, Sir C.
Grey, Sir G.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hall, Sir B.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, —
Henniker, Lord
Herbert, hon. S.
Hill, Lord A.
Hinde, J. H.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Howard, F. J.
Howick, Lord
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, W.
James, Sir W. C.
Jermyn, Earl
Jervis, J.
Kinnaird, A. F.
Knatchbull, Sir E.
Knightley, Sir C.
Knox, hon. T.
Labouchere, H.
Langdale, hon. C.
Lascelles, W. S.
Law, hon. C. E.
Lemon, Sir C.
Leveson, Lord
Lincoln, Earl of
Lockhart, A. M.
Lushington, C.
Lushington, S.
Macaulay, T. B.
Mackenzie, T.
Mackinnon, W. A.
Macleod, R.
M'Taggart, J.
Mahon, Lord
Marshall, W.
Marsland, H.
Maule, F.
Melgund, Lord
Meynell, Captain
Milton, Lord
Moreton, A. H.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Lord
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Ossulston, Lord
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Lord
Parker, J.
Parker, M.
Parker, R. T.
Parnell, Sir H.
Patten, J. W.
Pechell, Captain
Peel, Sir R.
Pemberton, T.
Perceval, hon. G. J.
Phillips, M.
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Ponsonby, C.
Praed, W. T.
Price, R.
Pryse, P.
Pusey, P.
Rice, E. R.
Rich, H.
Richards, R.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round. J.
Rundle, J.
Rushbrooke, R.
Russell, Lord J.
Rutherford, A.
Salwey, Colonel
Scarlett, J. Y.
Scholefield, J.
Seymour, Lord
Shaw, F.
Sheil, R. L.
Sheppard, T.
Sinclair, Sir G.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Spencer, F.
Stanley, Lord
Stanley, M.
Stanley, W. O.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strutt, Edw.
Sturt, H. C.
Style, Sir C.
Sugden, Sir E.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, C. P.
Thompson, Alderman
Thornley, T

Troubridge, Sir T.
Turner, E.
Turner, W.
Verney, Sir H.
Vernon, G. H.
Waddington, H.
Walsh, Sir J.
Ward, H. G.
Welby, G. E.
White, H.
Wilbraham, G.
Wilbraham, B.
Wilde, Sergeant
Williams, W. A.
Wood, C.
Wood, Sir M.
Wood, Colonel
Wood G. W.
Wood, Colonel T.
Worsley, Lord
Wrightson, W. B.
Wynn, C. W.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Stuart, R.

List of the Noes.

Archdall, M.
D'Israeli, B.
Duncombe, T.
Dungannon, Lord
Fielden, John
Hutt, W.
Jervis, S.
Johnson, General
Molesworth, Sir W.
Roche, E. B.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

TELLERS.

Hume, J.
Leader, J. T.

Clause agreed to.

Mr. *Labouchere,* on Clause 2, proposed more stringent regulations relative to acts that might be passed by the Governor, and Special Council, to continue in force after 1st November, 1842, and providing, that all such enactments should be laid before Parliament previous to their being confirmed, within thirty days after the same may be received by one of her Majesty's Secretaries of State, if Parliament be then sitting, and if not, within thirty days after the meeting of the first Session of Parliament then ensuing.

Lord *Stanley* must confess that the insertion of the proviso did not alter or remove his objections to the principle of this clause, and as he had not previously troubled the House with any observations on the question, he trusted they would indulge him with their attention for a few minutes. The House would recollect, that, when they passed the Act of last year, making temporary provision for the government of Lower Canada, establishing extraordinary powers in the Governor-general and Special Council, that measure was agreed to by the House, because those powers were sought for under circumstances of the most imminent and urgent necessity—that necessity being pleaded as the reason for giving powers of the most despotic and arbitrary character ever conferred by the Imperial Parliament upon any individual—a power which was only sought to be justified by the impending danger, and as the only means which could be devised for putting a stop to anarchy in the province, and preventing every thing from falling into confusion. By that act, however, they had imposed five restrictions on the authority conferred, still deemed so despotic and extensive. What were those restrictions? The first was, that the Governor and Special Council should possess no power to pass permanent laws. Second, they received no power to impose new taxes, but merely to continue those which were then in existence. Third, no power was given them to deal with the Legislative Assembly, or to interfere with the rights or qualifications of electors. Fourth, they had no right to interfere with or infringe the powers and provisions of any act of the British Parliament. Yet three out of those four restrictions they now proposed to do away by this measure. The fifth restriction, which prohibited the Governor and Council from appropriating any larger amount of the public revenue of the province than had been done in the year 1832, was not directly abrogated, but it would be virtually evaded and defeated, because they would thus be enabled to raise funds for local purposes by other means. And whereas the amount so appropriated in 1832, amounted from 70,000*l.* to 80,000*l,* they might thus raise that amount by those other means, and the Governor, in that manner, might have an additional 70,000*l.* or 80,000*l.* put into his hands beyond what was necessary for the purposes of the state. The clause was framed upon principles almost directly opposite to those which he would be prepared to act upon. His principle was, that where extraordinary powers were granted for any urgent purpose, it should be distinctly understood that the person holding them should not go beyond what was distinctly expressed in the restrictions. But the principle of the Government was to deny nothing to the person exercising such powers, but those which were specifically restricted. He asked, which was the safer of those two plans? When dealing with powers to be conferred on a body, confessedly unconstitutional, could it be doubted that the safe course would be to grant them specific powers, not for the purpose of permanent legislation, but for temporary purposes; not to grant powers of legislation to the Governor and Council, limited in duration to the year 1842, but to enable the anticipated permanent legislature that might succeed them to confirm the ad-interim laws which might be passed under the temporary powers conferred by this bill. There was all the difference in the world when they came to deal with a country possessed of great constitutional rights, and with a country where party spirit ran so high as it did in Lower Canada. He was willing to place reliance on Sir John Colborne. He would give credit to his prudence, and place every confidence in the manner in which he might exercise any powers that Parliament might think proper to intrust him with. But if you left him such powers as were asked for, there was not one institution of the country—the tenure of property—nor one law existing in the province, which he might not change. There was not one thing that affected the institutions of that country that he might not completely alter, and he was not to be responsible to any person. In that country, before the unhappy differences existed between the upper and lower Houses of Legislature—when these legislative assemblies were united in the promotion of common objects as much as they could be—all attempts to settle these important questions failed, although the greatest attention was paid to these subjects, and therefore no one act of this temporary legislature could expect the assent of the whole constituent body of Lower Canada. These were such important points to consider, that Sir John Colborne and his council must be aware of all the bearings of the various questions, and be enabled at once to lay down such satisfactory principles for the settlement of these matters, that they could at once legislate for the future government of the province. That gallant officer and his council had shown their zeal and anxious desire to settle these matters, by taking upon themselves this duty. These were very important considerations, and he hoped that they would induce the Committee to pause before it consented to give such powers of legislation. What were the subjects respecting which they now wished the power to be intrusted to Sir John Colborne to enable him to legislate? The first was the establishment of registry offices. This was a very important object, said his hon. Friend. No doubt of it. The next subject was the establishment of a court of appeal. A very necessary object exclaimed his right hon. Friend. No doubt of it, but it was a subject that he did not think should be intrusted to a Legislature constituted like the present one in Canada. This subject had long excited the attention of both Houses of Legislature in Lower Canada, and notwithstanding every exertion, they had been unable to come to anything like a satisfactory solution of the question, and determine how such a court could be constituted to afford satisfaction. Was the present Council more likely to arrive at a satisfactory result? You, however, proposed to give the Council power to establish a court of appeal from all the courts of judicature there. Again, the whole judicature of the country, Sir John Colborne says, calls for the prompt attention of the Government or of the Special Council. It was proposed to give the power to the latter, and this was, no doubt, a most important subject. These were, then, the nature of the objects to be intrusted to this body, whose exclusive powers expire in 1842, and the composition and construction of which are dependent on the will of the Prime Minister and the Colonial Secretary. They were also told, that important remedial measures were required in the present situation of the country such as would lead, in addition to the reconstruction and enlargement of the judicature, and the establishment of registry-offices and a court of appeal, to the commutation or abolition of the *lods-et-ventes*, particularly in towns, and the other subjects connected with feudal tenure. These were very important subjects, but they were not such as that the settlement of them should be intrusted to a temporary council. If all these powers were given to a legislature newly constituted, you conferred on its acts a degree of permanency which you would not without hesitation give to legislative assemblies duly constituted and responsible to the provinces. But what was the pretext on which Ministers asked the House to give such powers? Not one of the points had been clearly stated as to giving this power of permanent legislature. His right hon. Friend had asked for these powers, but what authority had he shown to justify their necessity? His right hon. Friend, the Member for Coventry, whom he regretted that he did not see in his place, and he regretted it as he was a great authority on this subject, when he addressed the House a few nights ago, did not say one word in favour of giving such powers. His right hon. Friend did not state any constitutional doctrines to satisfy the House, that they should give such powers to the Special Council to effect such great changes in the institutions of the province. All that he then stated was necessary was, that they should give such powers to the Council as would hold out encouragement to private enterprise, and to undertakings for public improvements. This was said, because it was found, that a wharf could not be made at Montreal, and because it was found, that other improvements could not be undertaken, as the Council had only power to direct, that tolls should be taken for more than two years. For these purposes what they required was, the power of taxation and of permanent legislation connected with those works beyond the year 1842. To such powers and provisions that (the Opposition) side of the House would consent at once. God forbid that they should do anything to stand in the way of great public undertakings, which were likely to be attended with great public good, or to check a spirit of enterprise which was likely to be productive of such advantage to the province. They wished to give encouragement to all such objects, because they were fully aware, that they were likely to secure the permanency of the connexion of the province with the mother country. They were willing to consent to this, but they were not willing to give a power of permanent legislation to the Special Council on any subject, however important, that might come into the heads of the members of it, such for instance, as taxing the whole community for any or every purpose. He was unwilling to delegate to the Council powers for permanent legislation on any subject or for any purpose it might think fit; but on these local matters there could be no such objection raised. The proposition that was made to the House for conferring these powers appeared to him to be monstrous, and he appealed to the House with confidence, that they would not give such powers to any temporary legislature. They (the Opposition) said, let the Government state the extent of the powers absolutely necessary to confer on the Council, for the purpose of extending local improvements, and they would meet them so far; but it was impossible that they would ever consent to give such extensive powers as were now asked for. He would not pretend to propose a clause to this effect, such as would supply the case; but it would be easy to frame one out of the second clause now before the Committee. It was not his duty, or those of that side of the House, notwithstanding what was said a few nights ago by the hon. and learned Member for Liskeard, although they had done so to a great extent during the present Session, to correct the blunders that constantly existed in the bills introduced by the Government, and to frame the bills on the constitutional principles on which they ought to rest. He would not, therefore, frame a clause; but he would consent to one which gave them a great portion of the powers asked for in the papers of Sir J. Colborne, now on the table. For instance, to use the language of the report of the sub-committee of the Special Council, he was willing—

> "That the Governor and Special Council be empowered to impose taxes for purposes altogether local, such as the maintenance of a police force, the lighting and paving of streets, and for otherwise improving towns and villages, and to increase or reduce local rates already existing; and further to pass ordinances for the undermentioned purposes, viz., for the inspection of produce, and to impose rates of inspection; for authorising companies or individuals to construct railroads, canals, bridges, and other internal communications, and to impose tolls and rates of transport thereon; for the borrowing of money for internal improvements on the security of the revenues of the province."

He was not willing, however, to give this Council unlimited power over all acts of permanent legislation that they might choose to pass on any subject, and this power resting on such vague terms as were used in this bill. There was nothing in the information laid on the table which justified the demand for such powers, but they would not give such unlimited power where no necessity for it was shown. He would suggest, that the clause should be altered in the way that he proposed. He would not go into the fourth clause at present, as this giving the powers of legislation and taxation was quite sufficient to deal with now. His hon. Friend had said, that it was desirable to settle the questions of the establishment of a court of appeal, and of the reconstruction and enlargement of the legislature, of the establishment of registry-offices, and of powers of levying taxation. No one disputed this: the question was, whether this would be done in a satisfactory manner in the way proposed; but they all agreed, that powers should be given for local improvements, and they were told, that the power of making rates and tolls was necessary for the purpose. It was asserted, there were no means of paying for these improvements, but it appeared from the financial papers respecting Canada, that there was an annual revenue of 70,000*l.* beyond the ordinary expenses of the province. Might not this sum be disposed of for the purpose of promoting local improvements, and for the purpose of assisting in the erection of bridges, and the formation of roads. He confessed also the Governor and Council were not exactly the parties to whom he should leave the decision on these matters. If they made rates for the purpose of local improvement, it could be done without giving a permanent legislative power to the Council, but he did not see why provision could not be made for local improvements out of the funds which he had alluded to without resorting to new taxation. He was willing, however, if it were necessary to give powers of taxation, and even permanent taxation, if the objects for which it was raised were limited to purposes of general and local improvement in the country, and for the maintenance of the peace of the country by a well-regulated system of district police, and also for the establishment of a system of lighting and paving the towns. Why could not a clause be made giving these powers, and making provision that the law should be enforced after 1840 for rates for making local improvements, and for effecting these objects? The clause might be easily framed, stating the defective powers found to exist in the present act, and making provision for the future. [The noble Lord read a clause to that effect.] He did not say, that the clause contained exactly the words that should be used, as he had hastily written it since he had been in the House, and he did not mean to say, that it might not be improved, but it laid down the distinction which he wanted, and it would give all the powers that were necessary for the purposes of local improvement. He did not intend to make a motion to substitute any words such as he had proposed, but he had suggested the nature of the change which he thought desirable. He proposed, therefore, to omit altogether the second clause; and if this should be agreed to, it was not for himself, but for the Government, to propose a modification of the clause.

Mr. *Labouchere* would confine his observations as much as possible to the subject immediately before the House. The noble Lord had entirely misconceived the financial state of the province of Lower Canada, and the amount of the funds at the disposal of the Government for the purposes of local improvement, and the maintenance of the peace of the province by the means of a well-organised police. His noble Friend had said, that there was a very large surplus from the revenues of the province which could be devoted to these purposes. From the documents on the Table, it appeared that the revenue of Lower Canada in 1832, was 120,000*l.*; last year it was only 95,000*l.* The amount of the permanent civil list of the province was 60,000*l.*, therefore there was a surplus of about 35,000*l.* The noble Lord might say, that this 35,000*l.* per annum might be applied to the formation of railroads, bridges, and other improvements of a local kind. But the whole expense of education, keeping up the provincial schools, and other matters of the kind, were defrayed out of this fund, and not levied, as in other countries, by means of local rates; therefore it would be found that nearly the whole of this sum was involved. In the papers which were lately laid on the Table, Sir J. Colborne said, that, in the present year, he had been able to defray the charge of the police force in Quebec and Montreal, but if the powers of the Special Council were not enlarged, which could alone adequately provide for its support, it could not be kept up another year. This showed that there could not remain any surplus at the disposal of the Government, and, therefore, there could not be funds for the purposes of local improvement, and for extending the police and other necessary institutions of the province. With respect to giving to the Special Council powers of passing permanent laws, and of levying permanent taxes, he would only observe, that no road, no railroad, and no canal, would be attempted to be made, if the Council could only give the parties the power of levying tolls for one year. If this power were only to be given to the Council for one year, it had better be withheld altogether, as it was little more than a mockery. He now came to the other point touched on by his noble Friend, namely, the general and permanent legislation for the province. On this subject he would refer him to the authority of one which he was sure had great weight with him—he meant Sir John Colborne. Hardly stronger words could be used than were resorted to on this subject by the gallant Officer who was now responsible for the safety of those provinces, and whose merits he should be ashamed of himself if he were slow to acknowledge. This was the language in which Sir John Colborne spoke of the objects of permanent legislation, which his noble Friend thought might be deferred for another year. If they, next year—and he trusted that such would be the case — sent out a constitution to Canada, before that measure could be acted upon, or even passed into a law, it must be sent out to Canada to be canvassed and considered. He would only refer to the letter of Sir John Colborne, to show what was previously necessary. That gallant Officer said,

> "I have no doubt they are immediately required to impress a conviction of the efficacy of the law in parts of this province where justice has been hitherto imperfectly administered, to repair, in some degree, the evils under which the loyal inhabitants have long laboured, and relieve all classes from burthens which they have reluctantly borne, and to deprive the disaffected of that influence which acknowledged grievances, speciously exaggerated, have unhappily obtained for them."

He had understood his noble Friend to say, that Sir John Colborne suggested merely powers for local purposes, and that he did not desire that powers should be given for permanent legislation. Now, Sir John Colborne stated, that it was essential that the matters he had alluded to should be legislated on either by the Council or by the Imperial Parliament; and he thought, that to legislate on the details of the subject of Canada in the British Parliament would be a hopeless undertaking. The evils of postponing legislation on all these subjects were obvious, and Sir John Colborne declared that he could not continue to deal with them if something was not done; and said, that it was absolutely necessary, for the peace and tranquillity of the provinces, the preservation of order, and to deprive the disaffected of the mischievous influence they had in the province, that some powers of permanent legislation should be applied. He, therefore, trusted, that the House would hesitate before it acceded to the proposition of his noble Friend, and deprived the present local legislature of the colony of all power of dealing with their subjects.

Mr. *Leader* said, that the only part of the right hon. Gentleman's speech that he agreed in was, that it was a folly for that House to legislate for Canada. He agreed in this opinion, but the House had not been slow to pass resolutions depriving the colony of its legislature, and now they were ready to admit that they could not legislate for it here, but were anxious to transfer their powers of legislating to a small and irresponsible body in Canada. He agreed with the noble Lord, the Member for North Lancashire, in much that had fallen from him, and he was surprised how any man of independence in the House of Commons could doubt as to the impropriety of leaving such powers to the Governor and his Council in the colony. This must be the case with all men, unless they are actuated with strong party feelings. He should support the amendment of the noble Lord. If the Council even could pass laws for the benefit of the people of Canada, they never would be accepted as good laws by the people of that country, and they never could confer the benefit on the inhabitants which they might do if they were passed by a regular legislature.

Sir *R. Peel* did not think that the right hon. Gentleman was justified in making the references that he had to the authority of the papers of Sir John Colborne. The right hon. Gentleman had said, that alterations might be made in the tenure of property in Canada, but, to be beneficial, they should be permanent; and that neither on this nor any other subject should the Legislature be limited to the year 1842. But what did Sir John Colborne say in the paragraph before that read by the right hon. Gentleman?—

> "Most of the measures to which I have thought it right to draw your Lordships' attention as being of a character to demand the prompt interposition of her Majesty's Government, or of the Special Council, might, if found to be practically beneficial, be subsequently embodied in an Imperial Act providing for the future government of the province"

Sir John Colborne, then, did not advocate a system of permanent legislation for the Council, but only said, let me make a practical experiment; and if it did not succeed, proceed in the Imperial Parliament to legislate permanently. Sir John Colborne did not, in any of these papers, demand permanent powers of legislation. On this subject he would refer to what that gallant officer said in a subsequent dispatch dated Montreal, and referring to the changes proposed to be made there:—

> "The ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, to confirm their title, and to provide for the general extinction of seigniorial rights and dues within their fiefs and seigniories, I trust will be sanc-

tioned by her Majesty's Government as soon as possible, and be authorized by an Imperial Act, to be continued in force till repealed or revoked by competent legislative authority in the province. The provisions of this ordinance appear to give satisfaction generally to the inhabitants of Montreal, and also to the superior and ecclesiastics of the seminary, but certainly demand the confirmation of the Imperial Parliament with reference to the extensive interests which would be affected by any doubt as to the permanency of the arrangements proposed."

He did not find there any demands for permanent legislation, but that he merely asked for powers to enter upon practical experiments in legislating; and if successful, that the Imperial Parliament should confirm them and make them permanent. Again, in his former dispatch, Sir J. Colborne said—

> "Lord Durham, I am aware, appointed commissioners to report upon several of the subjects in question, and had, I believe, framed ordinances for the consideration of her Majesty's Government to authorise a communication of the *lods-et-vents* in Montreal, and the establishment of registry offices; but I imagine that the reforms which he was desirous of introducing were not finally determined on, and as I have therefore requested the Executive Council to collect such information as will enable me either to promote the views of my predecessor, or to propose measures for reconstructing the Court of Appeal, and the judicature of the province, if the alterations which may be suggested can be effected through the legislative power granted to the Special Council.'"

This was not a suggestion of permanent legislation, and yet it was proposed to give him powers to pass permanent laws to effect compulsory changes in the tenure of property, or any other matter. The most extensive alterations might be made in landed property by such means if this bill should pass, and it should seem expedient to the Special Council to make such changes. The right hon. Gentleman seemed to refer with some degree of triumph to these documents. It was only the other day that he (Sir R. Peel) asked him a question as to the communications from Sir J. Colborne on the subject of the local improvements, and the right hon. Gentleman said, that he could not answer him, but that he would look into the dispatches on the subject; and in consequence of what he then said, these dispatches of Sir John Colborne were laid on the table. He did not think, therefore, the right hon. Gentleman was justified in referring to these documents, with such an air of triumph. The right hon. Gentleman said, that the Imperial Parliament was unfit to legislate or debate on Canadian affairs; but what was proposed in the bill before the House?

> "Provided also, that if any law or ordinance shall be made by the said Governor with such advice and consent as aforesaid, altering or affecting the tenure of land within the said province of Lower Canada, or any part thereof, the operation of every such law or ordinance shall, by the terms thereof, be suspended for the signification of her Majesty's pleasure, and no such law or ordinance shall be confirmed or left to its operation by her Majesty until the same shall have been first laid for thirty days before both Houses of Parliament."

These were to be enactments, then, if they were left on the table thirty days, and this was to be the only check on this distant legislation, and yet they were told that that House could not legislate on the subject. He trusted that the House would not consent to give the Governor and council in Lower Canada the power of indefinitely taxing the people of that province, and of permanent legislation on property and all the institutions of the country. He was willing to give the Governor necessary powers to effect local improvements, and he hoped that in the last year of the Canada Government Act they would not trust the Governor and Council with almost unlimited power of permanent legislation.

Mr. *Labouchere* said, that Sir John Colborne had stated, that if these powers of legislation were not conferred on the Council, that he trusted that laws would be passed in England to give effect to the changes in the institutions of Canada which he proposed, and which he believed were essential for the well-being of the country. He had suggested, in case the course recommended was not adopted, that the necessary laws should be passed temporarily by the Special Council, and that they should afterwards be made permanent by the Imperial Parliament. Did the right hon. Baronet mean to deny, that if they did not legislate, that the consequences pointed out by Sir J. Colborne would not ensue, and that a state of things would arise pregnant with great evils and deeply affecting property, and which would be productive of great evils to the colony?

Mr. *Hume* believed, that there was no intention of restoring a representative and constitutional government to Canada, and therefore this bill was proposed. It was utterly impossible for them to defend the giving the power to the Council to make permanent laws.

Mr. *C. Buller* thought, that the House should have been very cautious in abolishing a representative government in Canada, and making a despotism in its place; but when they proceeded to make a responsible government there, they should also take care to make it an efficient government. It appeared, from what had taken place, that Gentlemen opposite were willing to consent to abolish a representative government, but they made it a matter with their consciences by doing all in their power to cripple the government established in its place. He asked whether it were possible to lay aside party considerations on a subject of this kind, and think only of the interests of the colony, and how they could establish there a safe and well-organised system for its future government, and which would be responsible for the administration of affairs. He thought, that in the bill formerly proposed, the noble Lord only recommended an emasculated kind of government. He did not think that it would be expedient, under the present bill, to let the Government interfere either with property or religion; but he thought in all other matters the powers of legislating might be left to it. The question simply reduced itself to this —whether there should be a legislature with the power of making permanent laws that might be repealed by the future popular legislature, or whether that legislature should only have the power to make temporary laws which that future popular legislature might continue. Now, if the future legislature were really popular and efficient, he could not conceive that there existed any very great difference in practice between the two propositions. But by the plan proposed, of making every law temporary and to expire at the meeting of the new legislature, the result would be produced of leaving to that new legislature the settlement of almost all the questions that were likely to excite strong party feeling. Hon. Gentlemen who were for temporary laws were not, perhaps, aware of the evils that had already arisen out of the practice that had prevailed in Lower Canada of making merely temporary acts, in order that on the expiry of those acts terms might be made with the Government prior to their being renewed. Year after year these temporary laws came dropping in; and one consequence of the practice was, that at the present moment, Lower Canada, by the mere expiry of such laws, was left without many of the most necessary. For instance, there was at this time no jury-law in Lower Canada. The juries were summoned, not according to any rule laid down by Act of Parliament, but by regulations issued in a letter from the Governor, which he might alter or withdraw at any time he thought fit. With the exception, then, of the subjects of tenures of land and of religion, he could not conceive that any harm could be done by the concession of the power to make permanent laws. With reference to what had fallen from the noble Lord opposite on the subject of not giving to the Governor and the Legislature the powers of legislating on the education of children, he must be allowed to remind the House that the education law was one of those expiring laws, and that, in fact, owing to some squabble or dispute in the legislature, all the schools in Lower Canada had stopped at once. Would the noble Lord go so far as to say that the educational system of Lower Canada ought not to be re-constructed on a proper footing?

Sir *R. Peel* observed, that the hon. and learned Gentleman seemed disposed to attack every one who entertained opinions on the subject of Canada different from those of Government, yet was extremely tender of his own right to differ from Government. The hon. Gentleman objected to any attempt to interfere with the laws of property; but he (Sir R. Peel) was prepared to show that no efficient registration-law could come into operation, unless there was a change in the laws relating to the tenure of property. These were the words of Sir John Colborne's special council:—

> "The general or indeterminate mortgage, or hypothèque (that is, without specification of any particular property to which it is to attach), the customary dower, arising, without special contract, from the mere celebration of marriage, and descending as an inheritance with an indefeasible hypothèque to the children, and the legal or tacit mortgage arising from the offices of tutor and curator, which most persons may, by law, be compelled to undertake; these were circumstances in the existing state of the law which materially interfered with the adoption of an effectual system of registry, and seemed to present impediments which no system could entirely surmount while they continued to exist."

Mr. *C. Buller* had not referred to the

law of property, but to the law of tenure.] Then the hon. Member would allow all the other laws relating to property to be dealt with by the Special Council. It certainly did appear to him, that either the Council should have the power to legislate permanently as to property, or be restrained altogether from exercising any power with regard to it. For with the admitted ignorance of the Imperial Parliament as to Canadian usages, to permit the law of dower or the law of mortgage to be interfered with would be impolitic in the extreme.

Mr. *C. Buller* was at a loss to conceive how he had brought upon himself the lecture of the right hon. Baronet.

Sir *R. Peel*: Because the hon. and learned Gentleman charged us with sacrificing the good of the Canadas to party considerations, when the noble Lord had distinctly acquitted us of all such feeling.

Lord *John Russell* said it was quite true, as the right hon. Baronet had said, that he had admitted that there was nothing in what had fallen from the hon. Baronet to which he could fairly object, yet at the same time he must observe that he had never understood the right hon. Baronet to object to the clause now under consideration. The right hon. Baronet in his speech, on stating the course he should take, commenced with the third clause, and he therefore concluded (and nothing afterwards fell from him to the contrary) that he had no objection to offer to the second clause. This was in his mind a very important clause—one on which the absolute existence of the Government in Canada depended, and in which the property of the people of the colony was essentially mixed up. The noble Lord the Member for North Lancashire had adverted in his own peculiar way to two different views of this question, taken by the Government on the one hand, and himself and those on his side of the House on the other hand. His views differed somewhat from those of the noble Lord. His opinion was, that they were, in this bill, asking for all the powers that would tend to the benefit of the Canadian people. The noble Lord on the other hand, and those who acted with him, thought only of the maintenance of the Government of the province without taking into consideration what were the measures most calculated to be generally advantageous and to lead to good legislation. In the bill of last year they had been anxious, as far as possible, to limit the powers of the Governor, and the consequence was, that there were repeated complaints from Canada of the insufficiency of the powers of the Governor. Similar representations were constantly made by Lord Durham and Sir J. Colborne, and he now thought it was the duty of Government to propose to invest the Governor with such powers as would remedy the evil formerly complained of. With regard to the limitation of the power to grant money for local purposes, he was disposed to think there was room for some limitation, and would consider the subject. He had no objection to consider the expediency of introducing some words for the purpose of limiting more strictly the operation of the clause to local purposes.

Sir *R. Peel* said, that on the second reading of the bill, as well as during the discussion that night, he had expressed his objection to the clause.

The Committee divided on the question, that the clause stand part of the bill.—Ayes 174: Noes 156; Majority 18.

List of the AYES.

Aglionby, H. A.
Anson, hon. Colonel
Attwood, T.
Bainbridge, E. T.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. G.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Childers, J. W.
Clay, W.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Dalmeney, Lord
Denison, W. J.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Donkin, Sir R. S.
Duncombe, T.
Dundas, Sir R.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzroy, Lord C.
Gillon, W. D.
Gordon, R.
Grattan, J.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hill, Lord A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hollond, R.

Horsman, E.
Hoskins, K.
Howard, F. J.
Howick, Lord Visct.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Lushington, C.
Lushington, rt. hn. S.
Macauley, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Melgund, Lord Visct.
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Palmer, C. F.
Palmerston, Ld. Visct.
Parker, J.
Parnell, rt. hon. Sir H.
Pechell, C.
Philips, M.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Pryme, G.
Pryse, P.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt hon A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, R. L.
Smith, B.
Smith, R. V.
Somers, J. P.
Spencer, hon. F.
Stanley, M.
Stanley, hon. W. O.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wall, C. B.
Wallace, R.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
Wilbraham, G.
Wilde, Mr. Sergeant
Williams, W. A.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Archdall, M.
Ashley, Lord
Ashley, hon. Henry
Bagge, W.
Baillie, Colonel
Baker, E.
Barneby, J.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Canning, rt. hn. Sir S.
Chute, W. L. W.
Clerk, Sir G.
Colquhoun, J. C.
Courtenay, P.
Damer, hon. D.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Dungannon, Ld. Visct.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, hon. Captain
Graham, rt. hon. Sir J.
Grant, F. W.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Henniker, Lord
Herbert, hon. S.
Hinde, J. H.
Hindley, C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hume, J.
Hurt, F.
Ingestrie, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, S.
Johnson, Gen.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Leader, J. T.
Lincoln, Earl of
Lockhart, A. M.
Mackenzie, T.
Mahon, Lord Visct.
Meynell, Capt.
Miller, W. H.
Neeld, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Ld. Visct.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sandon, Lord Visct.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Stormont, Lord Visct.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thomas, Col. H.
Thompson, Mr. A.
Vernon, G. H.
Villiers, Lord Visct.
Waddington, H. S.
Walsh, Sir J.
Wilbraham, hon. B.
Williams, T. P.
Williams, W.
Wood, Colonel

Wood, Colonel T.	
Wynn, rt. hon. C. W.	TELLERS.
Yorke, hon. E. T.	Fremantle, Sir T.
Young, J.	Baring, H.

Clause adopted.

On clause 4 being read,

Sir *R. Peel* proposed the addition of certain words, to prevent any alteration being made under the bill in the law of tenure.

Lord *Howick* said, that this was a subject which had greatly contributed to embroil the colony, and had formed the most complete obstacle to improvement. Until the law of tenure was reformed, it would be impossible to have a good system of registration; and for those reasons he trusted the House would not agree to the proposed amendment, as the Governor and Council might draw up a code which would be satisfactory to the people of both races.

Sir *E. Sugden* supported the amendment. It was most unfair to take advantage of a suspension of the constitution to sacrifice one of the contending parties to the other.

Lord *J. Russell* said, that a change in the present system of tenure was admitted by all parties to be indispensable, and the only dispute was, what should be the nature of the alteration. He thought the present opportunity an advantageous one for adjusting these disputes, but at the same time, there was some force in the objection to trusting so great a power to the Governor in Council; he should, therefore, propose an amendment to the effect, that no law or ordinance of the Governor in Council, with regard to tenures, should be of any force or effect until it was confirmed by an Act of the Imperial Parliament.

Clause as amended was agreed to.

Other clauses agreed to, and the House resumed.

Report to be received.

HOUSE OF LORDS,

Friday, July 12, 1839.

MINUTES.] Petitions presented. By the Earl of Radnor, from the Members of the Belgrave Literary Institution, by the Duke of Richmond, from Shipley, and by Lord Brougham, from Bangor, and several other places, for a Uniform Penny Postage.—By Lord Redesdale, from Newport (Isle of Wight), for Protection to the Established Church (Canada).—By the Marquess of Downshire, from the General Synod of Ulster, that Presbyterian Soldiers may have Chaplains of their own Faith.

SALE OF BEER.] Lord *Brougham*, in rising to move the resolution of which he had given notice said, after what had fallen from him on a former evening, he felt it necessary to go into details, and he would therefore content himself with simply moving this resolution—

> "That it is the opinion of this House, that with a view to the improvement and happiness of the people, and the good order of the community, it is expedient, as speedily as possible, to place all the beer-houses on the same footing as the houses of licensed victuallers, in all respects whatsoever."

The effect of this would be, that all beer-houses might be licensed by the magistrates, if they were considered fit to receive licences.

The Marquess of *Westminster* objected to this resolution, as an irregular proceeding. He also objected to it on the score of the object the noble and learned Lord desired to attain by it. If the beer-shop-keepers were really placed on a footing with the licensed victuallers, and allowed to sell spirits as well as beer, he could understand the resolution; but only to place them, in other respects, on a footing with the licensed victuallers, would be to subject them to taxation without giving them a corresponding advantage.

Lord *Brougham* denied that the resolution was irregular. The circumstances which induced him to take this course were themselves almost unprecedented, and justified a proceeding which, though unusual, was perfectly regular. The House of Commons, during the interval between the third reading of the Bill in their Lordships House, virtually negatived that bill, by deciding on an amendment to the bill in that House, which embodied its principle. He conceived, therefore, that a resolution expressive of their Lordships opinion would be more effective than the sending down the bill to the other House. The principle of the resolution, he apprehended, was quite fair—it would put the beer-houses, in all particulars, on a footing with the licensed victuallers.

Viscount *Melbourne* said, whatever was the object of the resolution, it seemed to him to be useless. It was already ascertained that the House of Commons entertained a view on this question different from that of their Lordships, and to expect to induce them to concur by means of this resolution, seemed to him an idle mode of proceeding. He was opposed to the resolution as explained by the noble Lord. In all that related to hours, and other minor regulations, he was for putting the beer-houses on a footing with the licensed victuallers' houses, but he was decidedly opposed to a return to the old licensing system. The noble Viscount concluded by moving the previous question.

Lord *Brougham* had thought the resolution would be a better course of proceeding, but if their Lordships thought it better to send down the bill, he was in their Lordships' hands, and would acquiesce in that course.

The Marquess of *Salisbury* was of opinion that the beer-houses would always continue a nuisance so long as they were only dependent on excise licences. He thought it would be more expedient to send down the bill, than this resolution.

Lord *Portman* objected to the resolution, as it would tie their Lordships' hands in dealing with the bill when it came up from the House of Commons. He thought, that if their Lordships were to pass this resolution, they would preclude themselves from taking that course which they might be disposed to adopt, and if the question should be put to a division, he should be compelled to vote against it.

The Duke of *Richmond* said, that the difficulty which he felt was, that the resolution, if adopted, would produce no practical result in the House of Commons, and he thought that it would be better for their Lordships to amend any bill which might come up from the other House, if they thought it absolutely necessary to pass any measure this session. If they were to do so, he thought that some good result might be obtained this year, but otherwise another winter would pass, with all the inconveniences which now existed, without any change being effected.

Their Lordships divided, and the numbers were—Contents 41; Not-contents 34: Majority 7.

Resolution carried.

Bills of Exchange.] The Marquess of *Lansdowne* moved the second reading of this bill, the effect of which was to extend the existing Act relating to bills of exchange.

Lord *Ellenborough* hoped, that if the noble Marquess had any amendments to propose to this bill, he would take care to have them ready at the time the bill was committed, in order that the discussion might be taken as early as possible. The bill was most carelessly drawn, and he wished that the noble Marquess would get some one else to draw his bills, or would be more particular in looking over them. In this measure, in some instances, the same matter was expressed in different places by different words. He thought that the same words should always be employed in such cases, for wherever there was a variety of expression, it was commonly thought that a variety of meaning was intended.

The Marquess of *Lansdowne* said, that no bill of his drawing, or of the preparation of which he had the care, ever came up from the House of Commons. He should take care that if he had any amendments to propose in Committee, they should be ready, and should be properly worded.

Second reading postponed.

HOUSE OF COMMONS,

Friday, July 12, 1839.

Minutes.] Bills. Read a first time:—New South Wales; Administration of Justice; Fines and Penalties (Ireland) —Read a third time:—Cure of Souls.

Petitions presented. By Viscount Sandon, Sir Thomas Troubridge, Messrs. Crawford, Pattison, Wallace, Harvey, and Hume, Sir M. Wood, and other Members, from a great number of places, for a Uniform, and Low rate of Postage.—By Mr. Grote from Paper makers, against the use of Stamped Envelopes to secure the Postage.

The National Petition.] Mr. *Attwood* rose to bring forward his motion on the subject of the National Petition. He thanked the noble Lord for his kindness and consideration in proposing to the House that they should suspend the other orders of the day, to allow him to take precedence in bringing forward this question. He also thanked the House for its kindness in agreeing to that proposition of the noble Lord, and he thanked them still more that on the 14th of June last they had listened to his address with patience and kind consideration. He was sure that the conduct of the House on that occasion would not be lost upon the people of England; nor upon the hundreds of thousands of upright and honest men who had signed the petition, and of whom he was now the faithful, the honest, but he feared the too feeble advocate of the petition which he had the honour to present to the House on the 14th of June. He then thought it his duty to read a portion, and he now considered it proper to repeat some part of what he had then stated. That great petition, unequalled in the Parliamentary History of England, was produced by the long sufferings, the injuries, the wrongs, the distress of the working classes of the people—

not only of the working classes, but of the merchants, the manufacturers, the tradesmen, the farmers, and the labouring classes of England generally. It happened that he was much connected with these classes, and he gave to the petition that emanated from them his humble but very cordial support. For the last twenty years his opinion had been rooted and fixed that the Commons of England had not been treated with common justice and humanity. Many petitions had been presented to that House from Birmingham, complaining of the state of suffering in which the people were, but their petitions had been altogether disregarded, and that hon. House had refused, in several instances, not only to grant the prayers, but even to receive the petitions of the industrious classes, and relied on the representations of lawyers and gentlemen and the public press, instead of attending to the entreaties and statements of their honest tradesmen and artisans. These petitions had been refused in 1815, 1816, 1819, and 1825, and on subsequent occasions, when they complained of distress, and desired that House to take such steps as would mitigate their sufferings. The Members of that hon. House being far removed from want, were strangers to the sufferings which afflicted the working classes; and although the industrious classes had again and again told that House that it was almost impossible for them to obtain the means of subsistence for themselves and families by honest labour, and urged the House to take such steps as would improve their condition, it chose to turn a deaf ear to the prayers of the Commons of England. No man regretted more than he did the course that that House had thought fit to pursue, for if it had opened its eyes and ears, and had attended to the warnings given it, at the present time, instead of the people of England being the most miserable and discontented on the face of the earth, they would have been the happiest and most contented. He was quite sure that this happiness and contentment might be conceded to the working classes without doing the slightest injury or injustice to any human being who walked on the earth. Unhappily, however, that House had chosen to legislate in the dark—not, he believed, intentionally, because it was composed of noblemen and gentlemen of the highest honour and virtue, but because they had not a clear view respecting the matters they were dealing with, nor were they sufficiently well acquainted with the state of the country; he, therefore, said, that they had legislated in the dark, and were not aware of the misery and distress they were inflicting on the nation. The state of the working classes had been deteriorated greatly for the last twenty years, and hon. Members must not be surprised to learn that out of the miseries and sufferings of the people a spirit of discontent should arise. They believed that they would obtain relief from their present distress by having restored to them their rights which were possessed by their fathers; they had, therefore, determined to demand the restoration of their privileges, and intended to persist in using all peaceful means until they were restored to them. It used formerly to be said that England was the envy of surrounding nations and the glory of the world, and that the people lived more happily and contented than any other nation on the face of the earth. Things now were completely changed and no where was there such distress experienced, and the House could hardly be surprised that this distress should germanate and produce bitter fruit. He had presented to that House a short time ago the petition from 1,200,000 persons complaining of distress, and that all their previous prayers and complaints of their sufferings had been neglected. He should be sorry, in bringing forward the claims of these petitioners on the serious attention of the House, to use any language unworthy of a gentleman or a patriot, as he had no doubt that other Gentlemen in that House had feelings and sympathies as strong as his own; but wishing to do justice to the persons who had signed the petition as well as to himself, he hoped that he should not be regarded as being guilty of imprudence or presumption if he told the House that, although doubtless with the best intentions, it had legislated in the dark, and therefore had not worked out its objects in a proper manner. At the commencement of 1829 his honest neighbours applied to him and stated that they wished again to resort to the old bounds of the constitution in the hope that their sufferings would be mitigated and redressed. He said constantly to them that he was a man by no means given to change, or who desired extreme measures; let us continue to try the tree of the ancient constitution, let us see if it will not at length produce wholesome fruit that will afford satisfaction to the unhappy, miserable people of this country. They did wait, and they did try what could be done in the House of Parliament in 1829. Unhappily for the people, and more unhappily still for the safety of this country, that House disregarded the prayer of the people. They had demanded that the means of the industrious classes should be lifted up so as to be adequate to their burthens, or that their burthens should be reduced to their means. The House told them they were idle, and desired them to get back to their burthens. They were told that some of them kept four-wheeled carriages, and were better off than they ought to be. Then it was that they formed a political union, from which the petition which he had presented on the 14th of June had originated. But although the petitions of the people had for a long time been so utterly unattended to, he could not deny that there was virtue in the House of Commons which passed the Reform Bill; and although the people, after the greatest exertions, had succeeded in carrying that bill through the House, it had disappointed their expectations as well as his. If it had produced such a change as to leave to them the produce of their honest industry, they would have been content, but what were the fruits of the Reform Bill? The first fruit it bore was the Irish Coercion Bill, and the next was one more odious than any measure which had been passed since the Norman conquest—he alluded to the New Poor-law Bill. He would not say a word with respect to the Municipal Reform Bill, which had also greatly disappointed him. It appeared as if at every step further they advanced, disappointment and increased misery followed them, and the dissatisfaction of the people increased. At the same time he knew of no other remedy but further reform, and this was the opinion of the 1,200,000 who signed the petition that he had presented to the House. It was, then, his rooted conviction that there was no safety for the people, and no security for the law or the Crown, except some further great changes took place. The town of Birmingham commenced the political agitation in 1829, and it ceased there in 1832. It must be recollected that at that period Birmingham was very much excited, and what took place there at that time had a very great effect on the other great towns of England. But in 1832, after the passing of the Reform Bill, that large town, with the surrounding districts, sunk to rest like an infant on its mother's breast. How had they acted then? Were they prompt to take arms for measures of further reform? They waited until three Sessions of the Reformed Parliament had passed without there being the slightest hope of any amelioration in the condition of the people. They waited until 1837, in which year many friends (neighbours of his) waited upon him to take the lead in assisting in carrying out further reforms. He at all times was unwilling to be dragged into a prominent situation; but feeling that the demands of the people were just, he promised to go along with them. In that year all parties, Whigs, Tories, and Radicals, came to him and said, that as Lord Melbourne's administration had come in, it was better to wait and see what he would do. He knew nothing of Lord Melbourne, but trusting to his manly character, they again ceased all agitation—virtually they abandoned it; and in the mean time no less than three deputations waited upon the noble Lord demanding that the people should have the means of living upon the fruits of their honest labour. They described to the noble Lord and the Chancellor of the Exchequer the extent of misery that prevailed, and pointed out to them the means by which the evils under which they had so long suffered, might be got rid of. The noble Lord then said, that he doubted whether the same opinions were generally entertained, and that the men of Birmingham were not England. He (Mr. Attwood) took the liberty of telling that noble Lord that he would find that they would prove to him that the men of Birmingham were England. He cared not how or by what means the people of England were relieved from their distress, provided they were relieved. He would feel as grateful to see them relieved by the measures of the right hon. Baronet the Member for Tamworth, or those of the noble Lord, as he would by measures of his own suggestion. They pointed out to Lord Melbourne and the Chancellor of the Exchequer the means by which they might give prosperity to the country under the present constitution without further change. Lord Melbourne reminded him that he, as well as others of greater influence and talent than himself, had frequently brought the subject of the revision of the standard of value under the attention of the House of Commons, but that the House had shown an unwillingness to attend to it. He then stated to Lord Melbourne they would endeavour to change the House of Commons; and so in the winter of 1837 he went home to his honest friends, and told them the result of that last effort to make the ancient constitution of the country give shelter and protection to the country. He told them not to endeavour to destroy the ancient framework of the constitution—not to touch the great principles of the constitution of the Crown, Lords, and Commons—and he doubted not but that they would ultimately obtain that justice and protection which had been denied them by the Government. That was the origin of this great petition. His friends in the winter of 1837 crowded around him again as they had done in 1829. He had said to them that he knew they had virtue, intellect, and knowledge, but that he did not know the people of England were with them, and that he would go to another part and see if other men thought with them, and were determined to act in the same spirit. Accordingly he went to Glasgow for the purpose of trying the feelings of the men of Scotland, and that was the first political meeting he had ever attended out of Birmingham. He had never been an agitator—he had never been a man wishing to produce excitement on the public mind beyond the extent justice required. When he saw the miseries of the people in Glasgow, he said, "We have now proof we are not alone—we have a right to interfere—and we have a right by every legal and powerful means to demand from the Commons of England all the rights and liberties our forefathers had." He did not tell them that an accession of liberty would necessarily give them an accession of prosperity, because this was by no means certain; but he trusted that they would succeed in the attempt to obtain a House of Commons to be elected by universal suffrage. If they succeeded, and he repeated that he hoped they would, they might commit errors: Errors might then be committed as they were committed now, and this House having gone to one extreme, a House created by universal suffrage might probably go into another extreme. But after watching this state of the country with more attention and more labour than most hon. Members had given to the subject, he believed that there were no dangers and no miseries that the people of England ought not rather to endure, in preference to submitting to the cruel and murderous operation which had pressed for twenty years together on the industry and honour, and security of the country. If he thought they were to sit down patiently and submit to these fluctuations, these "hot and cold fits," as an hon. Member had called them the other night; if he thought this was to be the destiny of England, and as he showed in print twenty years ago it would be; if he thought there was no other remedy, then the course that humanity devised ought to be adopted, to prevent the degradation of Englishmen at home, and the certain degradation of England abroad. He never uttered any sentiment derogatory to the law—quite the contrary. He never uttered any sentiment derogatory to the Church, to the privileges of the House, or to the aristocracy. All he had claimed for the people was the right of living by their labour. The 1,200,000 petitioners whom he now represented said they had a right to live by honest labour, but that this was denied them—that the fluctuations which had taken place had given them short seasons of doubtful prosperity, and long seasons of real adversity. They said that when their hopes were broken down by disappointment, after inquring into the causes of the national misery, they could find no cause in nature or providence—they said that the Almighty had been kind and beneficent to England above all other nations of the earth—that he had given it an heroic people, the most intellectual and talented people on the earth—that he had given it a fine soil and good climate, and every blessing of rivers and harbours; and yet they said they endured every misery after twenty-two years of profound peace; they, therefore, asked the right of living by their labour; and, if that should be refused, they demanded their ancient rights and liberties in the constitution, that they might see whether they could not make it work well, and answer the purposes for which it was devised, in the same manner that their forefathers did. The petition was signed by 1,200,000 men; there might be some women, but, he believed, having attended and watched the subject, that one million of men had signed their names, with their own hands, to the petition; therefore they were capable of writing—were the élite of the working classes. They were not vagabonds and thieves, as many were apt to call those who attempted to alter the laws, or who found any fault with the Legislature of the country. If they were, and their complaints were unfounded, it would show the dreadful state in which England was placed, when out of five or six millions, a million of men who could write their own names could be got to put their hands to a notorious lie. If these men could be taught to believe that they were miserable when they were happy, they would have arrived at a most disastrous state of things. In his mind, a petition like the present, signed by upwards of a million of souls, showed that there was great misery amongst the people of England which wanted redress. He trusted that the House would not treat this petition as the petition merely of the working classes, because he believed the whole of the middle classes were with them. In alluding to the middle classes he did not refer to men with small fortunes, and small fundholders or mortgagees, or those who had retired from trade; but he meant the productive classes, the merchants, the traders, and the manufacturers. He was perfectly convinced that the petition spoke the feelings of nine out of ten persons of this description. If a Gentleman went to his butler, or his gamekeeper, or his sycophant tenant, he might be told to the contrary; but no reliance could be placed on such persons. The fact could not be denied, that no positive distress in trade or agriculture ever reached the labouring trader or agriculturist that did not reach their employer. If, therefore, he showed that 1,000,000 of labourers were distressed, might it not with equal truth be said their employers were equally so? There was, no doubt, some property left in England, but generally speaking, the merchant and the manufacturer were as discontented as the workmen were. He repeated, the merchants and manufacturers were as discontented as the workmen; the merchant, indeed, dare not confess his situation. So long as the merchant had his last 10,000*l.* pride made him bold; when it was gone, despair made him bold; and hence it was all boasting and delusion, a whited sepulchre outside, all apparently prosperous and happy, but within a charnel house of care, anxiety, misery, and despair. The merchants or manufacturers of England, if this question were put to them rightly — would answer rightly — "Why, we don't complain. Men without capital certainly are in bad condition, but men with capital can do pretty well—profits are not so large as we wish, but still we can go on." But let the House reflect on this case:—six months ago a bank at Liverpool revealed its affairs, and had on its books two bad debts from two houses to the amount of 800,000*l.* Now, if those two houses had been asked, before this disclosure, they dared not have complained—they dared not have said trade was bad—for if they had, they would have been asked, "Where, then, does all this enormous wealth come from—these immense factories—these new houses?" And if the truth had been declared they would have been ruined instanter. The noble Lord the Member for Lancashire put just such a question as this the other night, and he took outward appearance for realities; but if the two houses he had alluded to on being questioned, had told the truth, bankruptcy would have come on them. How little, then, could professions of merchants and manufacturers be depended on, whose distress was really as great as that of their workmen? He had been bred up in scenes so calamitous; hence he had directed his attention to the subject; and he did not scruple to assert, as he had before stated, that the masters suffered more than their men. There was a great deal said about profit-mongers drinking the blood of the labourers; but he affirmed that every merchant and manufacturer must be more than half ruined before he could meet the wages of the labourers. Only let the House think on the state of the manufacturers. It was not long since they were told, on no very doubtful authority, that not one manufacturer in four was in a solvent condition, if he sold off. Whenever the profits of the manufacturer ceased, his capital began to be swallowed up, and ruin soon followed. The first demand these petitioners made was for universal suffrage. He would not go into the political argument, but would merely say, that he believed universal suffrage was the ancient practice of our Saxon ancestors, and after the Norman conquest, that it had worked well—that it would, if again adopted, work equally well—for that it would produce a large and liberal spirit of legislation —render the working classes contented, and therefore attached to the aristocracy and the Crown. Next they required annual Parliaments. All he knew was, that the Bill of Settlement, which was the birthright of the people, and that was a serious word, a word of great moment, the Act of Settlement declared that Annual Parliaments were the birthright of the people, therefore it was that his constituents called for Annual Parliaments; but they also claimed Vote by Ballot. Now, he contended, and hon. Members would agree with him, that it was good logic that when the Constitution and the Bill of Rights guaranteed freedom of election—wherever the Constitution gave a right, it gave the means of exercising it. If he showed that they could not use freedom of election, he would say that it became a constitutional right, which the Queen herself had the power to confer without the interference of Parliament. Then, again, his honest friends claimed the wages of attendance for Members of Parliament. They found that to be the ancient law of England, and there were many instances of burgesses praying to be relieved from the payment of Members, because the tax pressed heavily upon them. His friends were of opinion that unless the Members of that House were paid, they could not have that class of men introduced into the House, men of that station and character which would enable them to be competent representatives of the wants and wishes of the Commons of England. They thought that the Commons of England ought to be the Commons of England — that it ought not to be a House of little Lords on the one side, and big Lords on the other—but literally and truly the Commons; not gentlemen of large property, who did their duty so far as that class was concerned, but were utterly unable to legislate for the industrious classes. He contended that men born in the clouds, and living in the clouds, could not understand the mere interests, and wants, and necessities of people living on the earth, therefore he thought they should pay the wages of attendance, in order that the Commons of England might send into that House men accustomed to the calamities of the people, and who would better represent the wants and interests of the great mass of the people. They thought that foxes ought not to represent geese—that wolves ought not to represent sheep—and that hawks ought not to represent pigeons. He believed that the man whose bread, and the bread of whose children, depended upon his labour, had as great a stake in the country as the Duke of Northumberland. He hoped they would consider the petition favourably—they had extended their kindness to him on the 14th June. Let them take the petition earnestly into their consideration, and it would not be thrown away upon the people of England. The people generally complained that their petitions had been neglected—that they had met with inattention, but upon the present occasion he trusted they would consider that the petition was the result of upwards of twenty years' suffering, and that the petitioners only cried for Universal Suffrage after they had seen the total failure of the 10*l.* franchise—that fruits which was so fair to the eye, but which had turned to dust and ashes in the mouth. He had always been an advocate for peaceable and legal efforts to obtain justice for the working classes, and he trusted they would determinately say, that the petition was entitled to every consideration. On the 14th of June he took the opportunity of stating that he had never encouraged physical force or any other force. He only said, " Unite together," and you will by legal and constitutional means obtain all that was wanted—by such means they must ultimately obtain the fruit of liberty and justice. He had always deprecated violence of all kinds, and he was thankful to the House for the opportunity they had afforded him on the 14th June, of stating so. He could not find that there had been a single life lost—not a gun had been fired, and he was justified in saying, that the mass of the people of England although discontented were not disaffected—although miserable, were not desirous of any change injurious to the Constitution, or injurious to the useful and beneficial privileges of the Crown. But they were desirous of a change, and he should not be doing his duty if he hesitated in saying that he thought they would have a change, and a very great change too. God forbid that dire necessity should compel them to effect that change by unlawful means; but 1,200,000 hearts that felt, and 1,200,000 heads that thought, ought not to be disregarded. Nothing would satisfy them but some large and generous measure. They also hoped, that that measure would be lasting—that they would not have prosperity to-day and adversity to-morrow. If the hands of the people were not to be set free from their trammels—if they were not to have the benefit of earning their bread by the sweat of their brow, and hundreds of thousands were compelled to beg for labour and then to be denied bread—if that was to be the condition of the people of England, it was his duty to tell the House, with all due deference and respect, that it was his rooted conviction, that the people of England would not submit to it, and that there was no army in this world capable of putting them down. The minds of hon. Members were, perhaps, better stored with history than his own, but he could not avoid calling to their recollection the situation of Louis 16th in 1787 and 1789. When Louis was asleep ruin was stalking through the land. In 1787 an individual who travelled through Burgundy and Champagne, found almost every gentleman's house burnt to the ground, and their owners murdered. Two years afterwards the Bastile fell. Charles the Tenth was hunting in the wood of Fontainbleau, when the Revolution took place, and the crown dropped from his head. The crown of James the Second was shaken from his head. What was the position of the Queen of England at this hour? There was no one more attached to her than himself, for he considered her the cement which held society together, and which enabled all classes to meet together for mutual protection. In his mind the sanctity of the Crown was above all other human considerations. But the Crown of England was like other Crowns. It rested upon public opinion, and whenever public opinion should desert it, the Sceptre and Throne would be nothing. Let them look at the people. They were loyal, but they were discontented. If that discontent was to be allowed to continue and to increase, what would be the result? He would ask hon. Members whether they would not use their endeavours to allay that feeling? Would they wait? Would they shut their eyes and their ears till the enemy had literally entered into that House. A social volcano was opening under their feet, and they could not tell when it would burst. The little accident of a madman or of a boy firing a gun at Birmingham the other day, might have produced the most frightful consequences all over the country. He felt it to be his duty, therefore, to urge on Members of that House, to support his going into a Committee upon this petition. The petitioners complained of many injuries. They said they had been oppressed in many ways—that the blessings of God had been turned into afflictions instead of blessings. They told the House there must be a change. They said respectfully, but constitutionally, "there shall be a change, if they can by any legal and peaceful means produce that change." Now he would say they could. The danger was great; but when millions became discontented it was likely they should gather their masters with them into their own vineyard, and then they might erect walls around that vineyard which it would be utterly impossible for any power in this country to go against. There were 700,000 electors in England, who elected the great bulk of the Members of that House, and those electors were of the middle classes—none of them of the lower. If the question came to an issue, the House must not deceive itself, because if it were either to be a moral or a physical issue, the House was not to suppose, that the middle classes would join the aristocracy of the country, but might be sure, that they would throw themselves into the ranks of the working classes. When anarchy became spread throughout the country, if choice did not, necessity would, compel the middle to join the working classes. He knew, that English people were aristocratic in their characters. The very working classes were so, and only let them live and they would be content. God forbid, that he should be instrumental in altering that character; his desire was to place the aristocracy on a foundation that never could be shaken. But what did the working classes say? They said the House gave them the Corn-laws to make scarce the corn; they gave them the money-laws to make scarce the money. But 1,200,000 of her Majesty's subjects now said, that these things should be rectified; and he verily believed, that they had the power within themselves to rectify those great wrongs without illegality, and without crime. When he formed a Political Union, he took the opinion of Sir Charles Wetherell upon the step. That excellent man, because he never would entertain an unmerited opinion of a man, merely because he was opposed to him in politics — that excellent man and great lawyer said—"If I say this political union is illegal, I shall say that which I do not think is true; if I say it is legal, I may probably lead honest men astray, because I think the difficulties before them are so great, that it will be morally impossible to work out the principle without trenching on the law. I therefore say, I will take no fee and give no opinion." That statement, however, had been a most profitable opinion to him (Mr. Attwood) because he had guarded his steps accordingly. He saw those difficulties growing up, and both he and the petitioners were sensible of their surrounding them, nevertheless he was satisfied they could command victory peacefully and legally; and if in no other way, could command it by influencing the votes of the people who sent the Members to that House. They might not do it immediately, but the time must come when they would. But he did not want them to do it in that way if it could be avoided. He, however, wished to know from the

House what it was, if anything, which they meant to afford to the petitioners. If they would not go the whole length—if they would not give Universal Suffrage, would they give Household Suffrage? If they would not give Annual would they give Triennial Parliaments? If they would do nothing to increase the liberty of the people, would they do nothing to increase their prosperity? The petitioners said the House had the power to repeal the Corn-law; it had the power to repeal the Poor-law,; it had the power to repeal the Money-law! Would it do that? If it would, it would greatly relieve the oppressed, without doing wrong to any one. He would, therefore, entreat the House to go into this Committee with him, in order to remove the sufferings of the petitioners. He for one never could believe, that the rights of the petitioners could be obtained till they had Universal Suffrage; but though hon. Members might not go so far as he would go, yet, by going into Committee, they might do much to produce contentment. But if they would not do that, if they would concede nothing in favour of the petitioners, they must then be considered as placing themselves in a situation hostile to liberty and prosperity. If the petitioners were only to be reproached, if they were only to be called the friends of anarchy, when in truth they only wanted to be able to work and to live like honest workmen in this great nation, according to the practice of a thousand years, and who had more right to an ample trade for honest labour than the Queen to her Crown, what was to be expected? When they approached the House with 1,200,000 tongues, was the House to remain indifferent, or was it to be supposed that the people could remain contented, when nothing was given to them but delusive hope to-day, and positive injury to-morrow? He felt grateful for the attention the House had afforded to him. The five points of the petition he most cordially supported, because he thought they ought to be granted. He verily believed they must and would be granted. He only wished he were equally sure they would produce the fruits that were expected from them. It was said there were other points insisted upon out of doors, but he knew nothing of them; he only went upon the five points in the petition. If misfortune should arise from unregarded injury, and if it should be thought proper in any quarter to have recourse to violent instead of lenient measures, he hoped he did not overstep his duty when he expressed his conviction, that those Ministers, or that House, which followed a Polignac course would do wrong. Though the little finger of a constable might compel the obedience of a hundred of the bravest men who ever walked, yet the House must not believe, there was not to be a limit to that. Men were not disposed to throw away their own lives, nor were they disposed to take the lives of others. But if dead bodies should be carried about the streets—if rage and imprudence should usurp the place of prudence and of leniency, rage would beget rage, and there would not only be battle enough in England, but there would be a complete revolution before the most ingenious Ministers could have time to look round themselves. He made not this statement in the character of a threat, because there was nobody more desirous to avoid discord than himself; but having had the opportunity of addressing the House, he felt he should not discharge his duty, if he did not remind hon. Members that such might be the consequence; and if imprudence were to dictate the proceedings, he certainly did dread the direful consequences. The minds of men in Bristol, in Birmingham, Manchester, Liverpool, and all over the country, were at this moment in such a state of excitement, that if there should be the least outbreak, it must lead to a most serious and universally simultaneous one. By looking to a few of the towns from whence signatures to this national petition had come, the list would very curiously show how the names were connected with the existing state of distress. It formed a very good index to the poverty and discontent of the people. Even London, which was remarkable for its soporific character—was not quite asleep on this occasion. It had been alive, to be sure, when Sir Francis Burdett was taken to the Tower, but it had been asleep nearly ever since.—Nevertheless, on this occasion it did in a degree wake up, and he did sincerely trust that the result would be satisfactory. From all towns there was a large number of signatures, but most from the manufacturing towns, and having said so much, he would thank the House again for the attention he had received; he was not aware that by enlarging he should do any good; his anxious wish was, that there should be harmony and a conciliatory feeling between that House and the people. He begged to move that the House do resolve itself into a Committee of the whole House, for the purpose of taking into consideration the petition called the National Petition, presented on the 14th of June.

Mr. *Fielden* seconded the motion. The petition was one that was well deserving of the earnest attention of the House, as expressing the strong and ardent feelings of such a number of persons in favour of a reform in that House, as well as conveying their demand for a redress of the grievances under which they now suffered. The first question to consider was, did the House believe the allegations contained in that petition? Believing, as he did, the truth of the allegations in that petition—believing that they were deserving of the utmost attention—believing that if the prayers of the people were entirely disregarded, serious consequences might ensue, he felt it his duty to support the motion of the hon. Member for Birmingham. The petitioners complained of being oppressed by a load of taxes. Was that, he would ask, a false allegation? He believed that no hon. Member would undertake to deny that fact. Were the people, then, continually to suffer under the pressure of those taxes? They complained in that petition that the manufacturers were on the verge of bankruptcy, and the workmen starving. Now, he could bear out that statement; it was perfectly true in every particular, and if any hon. Member had any doubt of it, he had but to inquire in the manufacturing districts of Lancashire for its confirmation. In cotton, which was one of the principal manufactures of England, the consumption had been two thirds less up to this period than it had been last year. And what was the cause of that depression in the manufacturing districts? The bad legislation, or, at all events, the neglect of good legislation, in that House, was the chief cause of that suffering, and, therefore, the people had a right to demand redress at their hands. They also complained that they had been bitterly and basely deceived by the Reform Bill. He was one of those who had exerted himself to obtain the passing of that bill, thinking that if it were passed, the grievances of the people would be redressed, but in that respect he was disappointed. The condition of the people, instead of being improved, had become worse. Since that period they had passed a bill for coercing the Irish people, instead of affording them relief. They had given away twenty millions of the public money to procure the emancipation of the blacks, whilst they had people in their manufacturing districts at home in an infinitely worse condition. They had continued to refuse relief to the hand-loom weavers, as, indeed, they had refused all the demands of the poor. The feeling in that House appeared to be all in favour of those who possessed money, whilst the poor were utterly disregarded. The evils that existed could only be redressed by adopting the remedies which the petitioners proposed. Let the House grant the prayer of this petition. Let them enact an equitable property tax, by which the rich would be made to support the burthens of the State. But if they continued regardless of the petitions of the people—if they allowed their grievances to remain unredressed—he could assure them that the time was approaching that would shake the stoutest nerves.

Lord *John Russell* said: Mr. Speaker, there was one part of the speech of the hon. Member for Birmingham with which I was extremely gratified, at the same time that I was not surprised, at hearing from him. I mean that part in which he denied all concurrence with those who have recommended the use of arms and physical force, and expressed his desire to obtain his objects by peaceable means, and his determination to discountenance any attempt to overawe by force, the laws of the realm. I say I was not surprised at hearing that sentiment from the hon. Member for Birmingham, it being only in accordance with what he has said on various occasions—both what he has addressed to this House, and I believe elsewhere. At the same time, the hon. Gentleman must be aware that those who have promoted this petition, which, I think, he has, with a very undue assumption, called the National Petition,—that those persons, I say, who have promoted this petition, have been found going through the country, from town to town, and from place to place, exhorting the people in the most violent and revolutionary language—language not exceeded in violence and atrocity in the worst times of the French Revolution—to subvert the laws by force of arms. We owe it to the good sense of the people in general, that they have not listened to such exhortations. Unfortunately, a certain number of them have been misled—not into entertaining particular opinions, for with their political opinions I am not now quarrelling, but into the assumption of a menacing attitude towards those who administer the laws, and towards the rest of their fellow-subjects who wish to live peaceably, and to conduct themselves according to the laws of the realm. Sir, the hon. Gentleman has discussed this petition chiefly upon questions of political economy, and of the social condition of the people. With respect to the political aspect of the question—with respect to the general political results of universal suffrage, annual Parliaments, vote by ballot, the want of qualification in candidates for the representation of the people in this House, the hon. Gentleman has not at any length addressed himself to the House. He has confined himself almost exclusively in his speech to the effects which he thinks would be produced by change in our representation, admitting every male person of full age to the right of electing Members of Parliament. In following that line I certainly believe that he is expressing the sentiments of a great number of those who have signed this petition. I wish to speak with every respect of those who conscientiously entertain this opinion. I wish to speak with every respect of those who, having had no part in the excitement and attempt to take up arms which I have described, imagine that there would be some more prosperous, some more healthy, some more happy condition of the country, if universal suffrage were established as the law of the realm. But I do conceive, that at the bottom of all those opinions—at the bottom of the opinions of the hon. Gentleman who in this instance fitly represents those views — there is a most grievous error. The hon. Gentleman supposes, and in every speech that I have heard him make in this House he has supposed, that if you have a certain distribution of political power—if you have a certain representation, framed in a certain manner, —if you have a law enacted with certain provisions, then you can by your mere will establish enduring and lasting prosperity in a country. The hon. Gentleman says, "I wish for universal suffrage, because if we have not that, there may be a Parliament which will give us prosperity to-day, and adversity to-morrow." Sir, I cannot conceive any form of political government or mode of legislation by which you can insure to the whole community of a country a perpetual and lasting state of prosperity, or by which, in a country depending very much upon commerce and manufactures, you can prevent that state of low wages and consequent distress which at all times affect those who are at the bottom of the scale,—or prevent those alternate fluctuations from prosperity to distress which occur in every community of the kind. Look at that country which is sometimes held out to us—I think very falsely held out—as the country enjoying in its political and social state greater advantages than our own—I mean the United States of America. There they have universal suffrage. But will any man say that the United States have been altogether free from those fluctuations, or from distress; enjoying as they do advantages which we cannot—having immense tracts of wild fertile land in which their population who cannot subsist in towns may easily find refuge and a mode of living; — even with these advantages, which we with a large population pent up in narrow limits do not possess, is it possible for any man to say, that the United States of America have been free from the evils I have mentioned? Look even at the results in that country of what, according to the views of the hon. Member for Birmingham, should be additional advantages—an increase in the quantity of money and large paper credits. I find in a newspaper of this day an account of a periodical published in America—a sort of manual on the subject of forgery, called "The Counterfeit Detector and Bank-note List," intended to detect forged money—this publication shows that there are no less than 600 kinds of forged money in that country, many of these forgeries being of bank-notes of exceedingly small value. Could there be a greater evil than the existence of such a state of things to the poor and labouring classes? What could be worse than that the labouring man should be exposed to have the whole of his money taken from him by such forgeries, arising from over-speculation and undue extension of paper money? Therefore it is not by universal suffrage, or by any form of suffrage, or by any principle of representation, that you can, as the hon. Gentleman presumes, obtain laws which shall ensure lasting prosperity to the people. Now, Sir, with respect to the petition itself, as the hon. Gentleman had not entered into the larger political theories connected with it, I shall not do so on the present occasion; but I shall make a few observations with respect to the petition, and with respect to the conduct of those who have promoted it. The hon. Gentleman says, there are more than a million of signatures attached to it. I own I am not surprised that a million of signatures have been collected, with the industry which has been employed in the collection in the present case, and the facility that there is both in asking and giving signatures. Major Cartwright at one time obtained, not to one petition, but to a number of petitions, no less than three millions of signatures, asking for universal suffrage. Now, observe how differently this number of a million is treated, according to the side it happens to be at. If it is said that there are a million of persons having a right to elect Members of Parliament, we are told that it is too small a number—too insufficient and contracted a number, to be entitled to choose representatives. Yet a million of signatures being collected by the means used in getting up the petitions, without any examination or sifting, we are asked to consider it as the petition of the people at large, and it is even called, in the motion in your hands, Sir, the National Petition. I deny, that this petition represents the sentiments and opinions of the people at large. In my opinion, the great majority of the people do not seek the objects contained in this petition. In my belief, the great majority of the people, divided as they are in political opinion, do not think that advantage would result to them from the adoption of those measures, but on the contrary, would be alarmed at the prospect of the prayer of this petition being granted by the House. I believe, that a vote of the House, agreeing with the hon. Gentleman to go into Committee, with a view to establish by enactment the objects of this petition, would create alarm and dismay throughout the country; not among persons in prosperity, the aristocracy or the rich alone, but among the labouring classes, and, indeed, every class in the community. Having stated so much with respect to the number of the petitioners, I shall now call the attention of the House for a few moments to the statements of fact made in this petition—statements I think alluded to by the hon. Member for Birmingham as statements which he considered correct. The petitioners say,—" We are bowed down under a load of taxes; which, notwithstanding, fall greatly short of the wants of our rulers; our traders are trembling on the verge of bankruptcy; our workmen are starving; capital brings no profit, and labour no remuneration; the home of the artificer is desolate, and the warehouse of the pawnbroker is full; the workhouse is crowded, and the manufactory is deserted." I entirely deny that those statements are true. I appeal, to go no further, to the statements of my right hon. Friend near me with respect to savings'-banks in the country. You find that, comparing the sums lodged in the savings'-banks with the sums drawn out during the last year, there is a balance of more than a million in favour of the sums invested—those sums, too, being chiefly of small amount. Can such a fact be compatible with the statement that the warehouse of the pawnbroker is full, and the home of the artificer is desolate? Do not the savings'-banks furnish pretty good proof of the number of artificers in this country who are not only receiving adequate wages, but also looking forward to the future support of their families—are adding to the money in the savings'-banks by small sums out of the produce of their industry, saved by submitting to the privation of everything which could interfere with such accumulations? An instance was quoted at an early period of the Session of the savings'-bank of Glasgow, a manufacturing town. I myself have seen lately an account of a savings'-bank in the county of Devon, and both the accounts from the manufacturing town and the agricultural county show a great advance in the amount of money in the savings'-banks, which is, I think, completely decisive of the want of truth in the descriptions given in this petition. Considering the statements in this petition to be a very gross exaggeration of the state of the country—a gross exaggeration of the distress which prevails—I am not about to deny that at this time, in a country like this, depending as I have said, so much on commerce, credit, and manufactures, and containing a population drawing their support from those sources, and liable to be affected by manufacturing inventions which from time to time deprive them of employment, by rendering useless that particular art or skill by which they had previously subsisted;—I am not about to deny that there are at this time, as I am afraid there will be at most times, a number of working men, industrious, sober working men, whose means are exceedingly scanty, and whose situation cannot be looked upon without commiseration. I certainly am not about to deny that; while I do deny, that the representations in the petition are fair representations of the state of the country, and while I think, that instead of adopting its recommendations we should look rather to those measures which this House is competent to take, from time to time, for the relief of the distress which exists, so far as distress can be relieved by legislation; but the hon. Gentleman the Member for Birmingham, and the hon. Member for Oldham, who seconded him, seemed to suppose, as they always seem to suppose, that this House is bound to listen to their own particular remedies; and if their own remedies are not listened to, they cry out that we commit great injustice to the people, because we refuse, not what the people want, but what the hon. Members for Birmingham and Oldham think would be for their benefit. I do not deny, that they may think these measures for the benefit of the people, and that they would establish prosperity; but I deny that because the House does not at once accede to their opinions, without consulting its own discretion as to whether those opinions are sound or not, it is therefore to be taken for granted, that the House refuses what is just, and what would be beneficial to the people. The hon. Member for Birmingham has always held that one of the measures—or, indeed, I should rather say the one measure—which can give prosperity to the country, is an alteration in the standard of value, and a great increase in the quantity of paper money. This is the hon. Gentleman's hope. Looking to a period before what he thinks our errors and misfortunes commenced, twenty-two years ago, and having seen that at that period prosperity prevailed while a great quantity of paper money existed in the country, he holds himself to a certain extent justified in believing in the necessary connection of the two from the experience of those years. But suppose you had universal suffrage; does the hon. Member for Birmingham believe, that those who have promoted this plan of universal suffrage will agree with him in the opinion which he has expressed? Does the hon. Member think, that those persons will be for those immense changes in the standard, for this immense quantity of paper money he is for issuing at once from the banks, and enabling the people, to be sure, to have a greater amount of wages, say thirty shillings, when they can only receive fifteen or twenty shillings at present; and at the same time paying, just in the same proportion, a dearer price for their loaf, their meat, and every other article of consumption. I will read to the hon. Gentleman what some of the Members of what is called the General Convention have signed their names to—persons calling themselves the leaders of this movement; as, for instance, Mr. Feargus O'Connor, Mr. Lovett, Mr. Collins, Mr. Frost, and many others. What do those persons professing to be the leaders of this movement, say on this subject?

> "Fellow countrymen, you have given abundant proof of your ardent desire for this trial (referring to the subject matter of discussion) and we are about to test the sincerity and solidity of your zeal. Amongst the number of measures by which you have been enslaved, there is not one more oppressive than the corrupting influence of paper money."

It goes on to say, that the corrupt system of banking and speculation defrauded industry, and that the great support of despotism and oppression were those fraudulent bits of paper which were dignified with the name of money. Supposing the hon. Member for Birmingham to have a seat, as no doubt he would have, as Member for Birmingham under the system of universal suffrage, and that he proposed immediately, as no doubt he would propose, this nostrum to cure all evils, how would he be surprised, if he were not before acquainted with this paper, to find that what he proposed as a remedy, was considered by all their leaders as in fact one of the greatest delusions and frauds by which the people had hitherto been oppressed. They went on to say,

> "that this system of dishonesty which was unknown to our forefathers, was now sapping the moral foundations of the nation."

Non meus hic sermo. I might spend some minutes in endeavouring to show, that the hon. Member's prediction of the value of paper money is totally unfounded, and that on the contrary, the issuing of this quantity of paper money, while it committed a fraud upon every creditor in the country, would be in fact one of the means by which the labourers themselves would be deprived of the just reward of their labour. But I need not enter into an argument of that sort, because I see that those persons who have signed their own proclamation, with regard to universal suffrage, are themselves much more strongly opposed than any one in this House, perhaps, and use stronger terms, certainly, than I am likely to use with respect to that which the hon. Member for Birmingham looks upon as a cure for all our evils, and which has induced him—having as he has said, no fancy for political changes, having no desire to see the institutions of the country changed—to propose this measure, in order to bring about what he calls a cure, but which those persons consider would be an additional and much greater evil pressing on the country. I do, therefore, ask the House not to agree to the proposal of the hon. Member for Birmingham. I conceive, that the hon. Member, and those who think with him in considering that the adoption of universal suffrage, or any other plan of suffrage, will place the labouring classes in a state of prosperity, are under a complete delusion. There are only two ways, as far as I can see, by which the position of the labouring classes can be improved. One would be by an increase of wages—an increase in the rate of wages—a higher reward for labour. Does universal suffrage tend to anything of this kind? Will universal suffrage have this effect? If the country remains in a state of tranquillity, I do not believe that it will have any effect one way or the other; but if there should be such a change in the institutions of the country as should drive away many of those who are the employers of labour, if it should drive capital from the country, if it should induce many proprietors no longer to employ the labour of this country, it would have the effect of increasing the number of labourers, and of diminishing the quantity of employment; and, therefore, so far from increasing wages, it would diminish wages. The only other mode by which many persons—although I must say, that the hon. Member for Birmingham is not one of them — hold, that the condition of the labouring classes can be improved, is, by a general distribution of all the property of the rich amongst the poor and the labouring classes. Upon this I need not argue. I believe, that several persons have been induced to sign this petition by the manner in which several very reckless demagogues throughout the whole country held out, that the property of the country ought to be divided among the people in general. That is, however, a proposition upon which I need not argue in this House. I am sure that every Member of this House, and I am sure that the great majority of the people, will agree with me, that a scheme of this kind would tend, in fact, not only to the destruction of all our institutions, not only to the destruction of everything that makes this country valuable; but that it would, in fact, and before any long time, be a source of ruin to the labouring classes themselves. I know not how, in any other way that can be proposed, the adoption of a plan of this kind can have a tendency to increase the riches of the labouring classes, to raise their means, or to increase their wages. I believe that a country like this, generally speaking, political freedom, commercial freedom, and religious freedom, tend to increase the riches of the country—tend to increase the riches of every class, by not directly growing riches, or directly creating property, but by allowing men to use their own energies, in their own way, by allowing them to use their own energies in industry, and thus leaving open a road to wealth, honour, and distinctions, and thus indirectly, but certainly, producing and creating property. Looking at the more general question, and saying, as I shall say, but a very few words upon that question, my belief is, that generally speaking, the institutions of this country, tend as much to freedom, tend as much to secure to the people as great a portion of freedom with, at the same time, as great a portion of security—as it is I will not say possible, but, as far as I am acquainted with it—as has ever been secured by any institutions to the people of any country in the world. I see no instance at this moment of any people existing on the face of the globe who do enjoy those two advantages to a greater extent. I may see greater political liberty in some countries, but is there the same security of person? I say, that the general predominance and supremacy of law is less strong and less fortified in those countries than in our country. In other countries there may be greater power there may be greater military force to repress anything like disturbance or the violation of tranquillity; but in those countries there is far less of that freedom to which I have adverted, so that I know not how, by any great change in the institutions of the country, such as the hon. Member for Birmingham proposes, we can at all advance or promote the welfare of the people of this country. I suppose that the hon. Member for Birmingham will hardly contend that adopting universal suffrage and annual Parliaments, as this petition proposes, the rest of our institutions will remain as they are. I do not suppose, that he will pretend that the monarchy, the hereditary branch of the legislature and various other institutions of this country, will remain in the same state, or that there would not be danger to all our other institutions if we adopt the large and democratical change which is now proposed. I need not say, after what I have already said, that I do not believe, that any such change, even if it could be peaceably accomplished—which no man can expect; if it could be accomplished in three days from hence, I do not believe that it would tend to the comfort and the prosperity of any portion of the people—I do not believe that it would tend to the welfare of the majority of those who have signed this petition. I cannot conclude without adverting to the means by which those who profess themselves members of the General Convention ask the people to carry their objects into effect. First of all, they state, that it is the unanimous request of the Convention, that the people should be urged, individually and collectively, to withdraw their money from the savings'-banks as well as all other banks. Secondly, that they should convert all their paper money into gold; that they should abstain from the use of all exciseable articles; that they should adopt an exclusive system of dealing; and that, in order to attain and maintain their freedom, they should exercise their ancient constitutional right of providing themselves with the arms of freemen. These are the modes by which these parties propose that harmony should be established in this country. This is the way in which the different classes of the people are to be induced to unite for the purpose of effecting the objects which these parties have in view. My own opinion is, that these are the exhortations of persons, several of them, no doubt, conscientious persons, but others very designing and insidious persons, wishing not the prosperity of the people, but exhorting the people, by those means most injurious to themselves, to produce a degree of discord—to produce a degree of confusion—to produce a degree of misery, the consequence of which would be to create a great alarm, that would be fatal, not only to the constitution as it now exists, not only to those rights which are now said to be monopolised by a particular class, but fatal to any established government. I do not say that I fear those who propose this plan. I am very sorry that delusion has been practised with as much effect as it has been, but if this proposition were presented to the great majority of the working classes in this country, I am sure they would see, as well as I do, that the adoption of this proposition would be most injurious to themselves. I believe that they will spurn the advice that has been tendered to them, and that all those designing persons who were about to eke out a profit, and to secure an income from those attempts and those delusions, will find that their trade will soon come to an end, and that the good sense and virtue of the people of England will be fatal to their schemes and their objects.

Mr. *D'Israeli* entirely agreed with the noble Lord as to the fallacy he had pointed out, as pervading this petition—that political rights necessarily ensured social happiness. But although they did not approve of the remedy suggested by the Chartists, it did not follow they should not attempt to cure the disease complained of. He did not think they had, up to the present moment, clearly seen what the disease really was. He could not believe, that a movement which, if not national, was yet most popular, could have been produced by those common means of sedition to which the noble Lord had referred. Unquestionably, there was more or less of a leaven of sedition mixing itself up with all popular commotions; but he could not believe, that a petition signed by considerably upwards of 1,000,000 of our fellow-subjects could have been brought about by those ordinary means which were always in existence, and which, five, ten, or fifteen years ago, were equally powerful in themselves, without producing any equal results. It had been supposed, that the basis of this movement was strictly economical. He had great doubts of that, because he found, that where there were economical causes for national movements they led to tumult, but seldom to organization. He admitted also, on the other hand, that this movement was not occasioned by any desire of political rights. Political rights had so much of an abstract character, their consequences acted so slightly on the multitude, that he did not believe they could ever be the origin of any great popular movement. But there was something between an economical and a political cause, which might be the spring of this great movement, as the noble Lord must himself admit it to be. It might be mistaken, but all must confess, that it was considerable. The real cause of this, as all real popular movements, not stimulated by the aristocracy, and which, if not permanent, were still of material importance, was an apprehension on the part of the people, that their civil rights were invaded. Civil rights partook in some degree of an economical, and in some degree certainly of a political character. They conduced to the comfort, the security, and the happiness of the subject, and at the same time were invested with a degree of sentiment, which mere economical considerations did not involve. Now, he maintained, that the civil rights of the people of England had been invaded. There had been, undoubtedly, perhaps with no evil intention, perhaps from a foolish desire of following a false philosophy, and applying a system of government not suited to the character of this country, and borrowed from the experience of another—there had been, from whatever motive, an invasion of the civil rights of the English people of late years; and he believed the real cause of this movement was a sentiment on the part of the people of England, that their civil rights had been invaded. That sentiment had doubtless been taken advantage of by trading agitators, but it was participated by much more than agitators, and that discontented minority which must ever exist in all countries. He was not one of those who ascribed the people's Charter, as it was called, to the New Poor Law; but, at the same time, he believed there was an intimate connexion between the two. He ascribed the Charter and the New Poor law to the same origin to which they owed many evils they now experienced, and many more with which they were menaced, the consequences of which, if he were not much mistaken, might yet be severely felt by persons superior to those who had signed this petition. The origin of this movement in favour of the Charter dated about the same time they had passed their Reform Bill. He was not going to entrap the House into any discussion on the merits of the constitution they had destroyed, and that which had replaced it. He had always said, that he believed its character was not understood by those who assailed it, and perhaps not fully by those who defended it. All would admit this—the old constitution had an intelligible principle, which the present had not. The former invested a small portion of the nation with political rights. Those rights were intrusted to that small class on certain conditions—that they should guard the civil rights of the great multitude. It was not even left to them as a matter of honour; society was so constituted, that they were intrusted with duties which they were obliged to fulfil. They had transferred a great part of that political power to a new class, whom they had not invested with those great public duties. Great duties could alone confer great station, and the new class which had been invested with political station had not been bound up with the great mass of the people by the exercise of social duties. For instance, the administration of justice, the regulation of parishes, the building of roads and bridges, the command of the militia and police, the employment of labour, the distribution of relief to the destitute—these were great duties which, ordinarily, had been confined to that body in the nation which enjoyed and exercised political power. But now they had a class which had attained that great object which all the opulent desired—political power without the conditions annexed to its possession, and without fulfilling the duties which it should impose. What was the consequence? Those who thus possessed power without discharging its conditions and duties were naturally anxious to put themselves to the least possible expense and trouble. Having gained that object, for which others were content to sacrifice trouble and expense, they were anxious to keep it without any appeal to their pocket, and without any cost of their time. To gain their objects, they raised the cry of cheap government—that served the first: to attain the second, they called for the constant interference of the Government. But he contended, they could not have a cheap and centralized Government, and maintain at the same time the civil rights of the people of England. He believed this was the real cause of the Charter; a large body of the people found out that their civil rights had been invaded. They had invaded their civil rights. The New Poor Law Act was an invasion of their civil rights. They could not deny, that they had based that New Poor Law upon a principle that outraged the whole social duties of the State—the mainstay, the living source of the robustness of the commonwealth, They taught the destitute not to look for relief to those who were their neighbours, but to a distant Government stipendiary. They taught the unfortunate labourer, that he had no legal claim to relief—that the relief he should receive must be an affair of charity; and he believed, that the discontent such alterations had occasioned was really the *vis inertiæ* of which the active sedition of the country had availed itself—this movement for the Charter. He knew it would be said, that Gentlemen on that (the Opposition) side of the House, were answerable for the New Poor-law as well as others. He admitted it; but the people of the country did not visit its enactment with the same acrimony upon those who assisted as upon those who originated it; and for this reason, they could not forget that they assisted the party opposite to obtain power, and the feeling of disappointment, the vindictive sentiment was excited only by the Government and its supporters, not by those who were opposed to them, although joining in passing that bill. He thought their consenting to such a bill was a very great blunder. The fact was, when the Tory party, shattered, and apparently destroyed, rose from the stupor in which they found themselves, they began to think they should have a slice of the cake and fruits of reform—that they should have some of the advantages of the cheap government system—and he believed they would yet rue the day they did so, for they had acted contrary to principle—the principle of opposing everything like central government, and favouring in every possible degree the distribution of power. He admitted, that the prayer of the National Petition involved the great fallacy of supposing that social evils would be cured by political rights; but the fallacy was not confined to these poor Chartists. He had never passed an evening in that House that he did not hear some hon. Gentleman say, that the people were starving, and that the only remedy was household suffrage. Was that proposition less absurd than the prayer of this petition which had been so severely criticised by the noble Lord? The petitioners demanded annual Parliaments; but whether a man called for annual or triennial Parliaments, undoubtedly the change applied for was great in either case, and he did not think the noble Lord was justified in speaking in terms of derision. At least, it was futile to attempt drawing the line between the requirements of the petition and the suggestions of some of his own supporters. The fact, however, was, although the opinions of some of the supporters of the noble Lord's Government might be somewhat in advance of his own, they were still supposed to be perfectly compatible with the exercise of political powers by that class he had created, by whose influence he had obtained place, and with whose assistance he still hoped to retain power. But if the noble Lord supposed, that in this country he could establish a permanent Government on what was styled now-a-days, a monarchy of the middle classes, he would be indulging a great delusion, which, if persisted in, must shake our institutions and endanger the Throne. He believed, such a system was actually foreign to the character of the people of England. He believed, that in this country, the exercise of political power must be associated with great public duties. The English nation would concede any degree of political power to a class making simultaneous advances in the exercise of the great social duties. That was the true principle to adhere to; in proportion as they departed from it, they were wrong; as they kept by it, they would approximate to that happy state of things which had been described as so desirable by the hon. Member for Birmingham. The noble Lord had answered the speech of the hon. Member for Birmingham, but he had not answered the Chartists. The hon. Member for Birmingham had made a very dexterous speech, a skilful evolution in favour of the middle classes. But although he had attempted to dovetail the Charter on the Birmingham Union, all that had recently taken place on the appearance of the Chartists before the leaders of the union newly-created magistrates, and the speeches by members of the Convention within the last few days, led to a very different conclusion. There he found the greatest hostility to the middle classes. They complained only of the government by the middle classes. They made no attack on the aristocracy—none on the Corn-laws—but upon the newly-enfranchised constituency, not on the old—upon that peculiar constituency which was the basis of the noble Lord's Government. He was aware this subject was distasteful to both of the great parties in that House. He regretted it. He was not ashamed to say, however much he disapproved of the Charter, he sympathised with the Chartists. They formed a great body of his countrymen; nobody could doubt they laboured under great grievances, and it would indeed have been a matter of surprise and little to the credit of that House, if Parliament had been prorogued without any notice being taken of what must always be considered a very remarkable social movement. They had now sat five months; their time had not been particularly well occupied, and he would just call to the attention of the House some of the circumstances which had occurred with reference to this subject. Early in the Session they had heard of lords-lieutenant of counties, noblemen and gentlemen of great influence, leaving the metropolis, travelling by railroads, putting themselves at the head of the yeomanry, capturing and relieving towns, and returning just in time to vote on some important division; and certainly he should have expected that some notice, at least, would have been taken of the occurrence by the noble Lord, the Secretary of State for the Home Department. A short time afterwards, the petition called the "National Petition," was brought forward by the hon. Gentleman. He called it the National Petition by courtesy. The noble Lord had been critical upon it—he said, it was not national; the noble Lord also said, he was at the head of the reform Government, which some ventured to think was not a reform Government. They should take titles as they found them; but it had a very good title to be called "national" when it was signed by a large portion of the nation. By a sort of chilling courtesy, the hon. Member was allowed to state the contents of the petition, but the noble Lord said nothing—he gave no sign, and it was only by an accident, he believed, they had been favoured with his remarks that evening — remarks which showed great confidence in the state of the country, in the temper and virtue of the labouring classes — great confidence in himself and in his Government. He hoped the noble Lord had good and efficient reasons for the tone of confidence which he had assumed, and the air, he would not say of contumely, but of captiousness with which he had met this motion. The observations of the noble Lord would go forth to the world, and if the inference he drew from them were wrong, prompt justice would, no doubt, be done him. The noble Lord might despise the Chartists; he might despise 1,280,000 of his fellow-subjects because they were discontented; but if he were a Minister of the Crown, he should not so treat them, even if he thought them unreasonable. The noble Lord had his colonies in a condition so satisfactory—the war in the East seemed drawing to a close—his monetary system was in so healthy a state—that he could afford to treat with such *nonchalance* a social insurrection at his very threshold. Perhaps it was in vain to expect, whatever might be the state of the country, much attention from her Majesty's Government. Their time was so absorbed, so monopolized, in trying to make Peers, and promising to make Baronets, that but little time could now be given by them to such a subject as this; but probably in the recess, when cabinet councils would be held more frequently, they would give it some consideration. He believed that if they did not, and that if they treated it as a mere temporary ebullition, which was rather the result of a plethoric vein than of any other cause, they would be grievously mistaken; for the seeds were sown, which would grow up to the trouble and dishonour of the realm. He was convinced that if they persisted in their present system of cheap and centralized government, they would endanger not only the national character but also the national throne.

Mr. *Hume* thought that the taunt which the hon. Member for Maidstone had thrown out against her Majesty's Ministers was scarcely justified by the circumstances of the case; for if the Members on the Ministerial side of the House had done little this Session, the hon. Members on the other side had done still less to forward public objects. He agreed with the hon. Member that there was a general discontent prevailing among the labouring classes, but must remark, at the same time, that it was impossible for the measures of any particular Government to have produced that organization of them which they saw existing at present. That organization arose out of deep and general discontent, and that discontent, he believed, was generated by the disappointed expectations of those who had cordially joined with the Government in carrying the Reform Bill of 1832. He believed that the people had expected greater and better results from that bill, than any which they had yet experienced, and that they, unfortunately, had been severely disappointed. Having suffered patiently for years, in the hope of obtaining relief, and having at length discovered that no relief was to be afforded to them, they had been reduced to a state of complete despair. As the hon. Member for Maidstone intimated that he had not read the petition recently, he had handed over to him a copy of it, and he had entertained hopes that the hon. Member would attend to its prayer; for he was sorry to say that the speech of his hon. Friend, the Member for Birmingham, who made the motion, and of the hon. Member who seconded it, and of the noble Lord who opposed it, had nothing to do with the prayer of the petition. That petition contained no prayer for a paper currency. Except so far as regarded cheap bread, the subject of currency was not introduced into the petition. Though the petitioners might have suffered by the New Poor-law, they said nothing about it in their present petition. The noble Lord had, therefore, not dealt fairly either with the petitioners or with their petition. They prayed for a change in the constitution of the Commons House of Parliament, and for an amended representation of the people within it. The petitioners came before the House with this prayer, and by this prayer alone ought they to be judged. The noble Lord had been accused of treating the petition, if not with contempt at least with captiousness. He had heard every syllable of the present debate, and he was bound to say that though the noble Lord might have thrown contempt upon the doctrines contained in the petition as being in opposition to his own, he had not treated the petitioners with any thing that bore the semblance of contempt or disregard. The noble Lord had asked whether universal suffrage would produce cheap bread or any other of the ameliorations which the petitioners required. Now, in replying to that question, he would tell the noble Lord what changes he, as well as the petitioners, expected to result from universal suffrage; and here he would observe, that it was not exactly fair in the noble Lord to mix up with this petition a bill drawn by the Lord knows who, and containing matters which would completely counteract all the objects which the petitioners were anxious to obtain. He concurred entirely in the principles on which the Charter, as it was called, was founded; and could prove, if need were, that some of the ablest men in this country had promulgated at least three out of the five principles which it contained. The petitioners stated that:—

"The energies of a mighty kingdom had been wasted in building up the power of selfish and ignorant men, and that its resources had been squandered for their aggrandizement."

They likewise stated:—

"That the good of a party had been advanced to the sacrifice of the good of the nation—that the few had governed for the interest of the few, while the interest of the many had been neglected, or insolently and tyrannously trampled on."

They added further, that

"They looked upon the Reform Act as the machinery of an improved legislation—where the will of the masters would be at length potential;"

And they complained that "they had been bitterly and basely deceived." Now, could any man lay his hand to his heart and say that there was not much of truth in these statements? Could any man say, that the House at present represented fully, fairly, and freely, the sentiments of the people of England? Why, it was notorious that at present the House was chosen by less than a sixth part of the male adult population. If he were to give the definition of a freeman, as it was laid down by Blackstone, Sir T. Smith, and the great Lord Camden, they would find that every one of these great authorities laid it down as a rule that taxation and representation ought to go together, and that no man could be considered as a freeman who had not a voice in the election of those representatives who were to make the laws under which he was to live, and were to impose the taxes which he was to pay. The Chartists said, that they were slaves, as they had no voice in the election of those who had the power to make laws affecting their lives, their liberties, and their petty pittances of property; and stated, that their sufferings arose principally from the source, that the laws were passed for the benefit of the few, and not for the benefit of the many. Now, could any one deny that the laws were partial, and administered unequally among the rich and the poor? Could any one deny that the taxation of the country rested principally on these 1,200,000 petitioners? They were the principal tax-payers, for the aristocracy took as much from the taxes as they contributed to them. He would now tell the noble Lord how universal suffrage would produce cheap bread. The masses would send to the House of Commons, men who would repeal the Corn-laws, and all the taxes which made food dear, and all the laws which benefitted the few and not the many. In calling for universal suffrage, the Chartists came before the House with the very best of precedents, though he must say, that if they took his advice, they had better lay aside the phrase "Universal Suffrage," and use the phrase "Extension of Suffrage," in its stead. He also wished that they would not call their meetings by the name of "National Convention," as that was a name which reminded men of events which every one must wish to forget. He must, however, remind the House that in the year 1779 and 1780 delegates were sent up to an assembly in London from no less than twenty-five different counties and from the cities of York, Bristol, and Gloucester, and the towns of Cambridge, Nottingham, Newcastle, Reading, and Bridgewater, and that various meetings of them took place on the subject of Parliamentary Reform—at several of which the late Mr. Pitt, the idol of gentlemen on the other side of the House, attended. He held in his hand the resolution they passed on the 20th of March, 1780, by which they called for the shortening of the duration of Parliaments to one year, and recited two acts of the reign of Edward 3rd, by which it was ordained that Parliament should be holden in every year once, and more often if need be. [*Laughter.*] Hon. Gentlemen might laugh at that expression, and he knew what their laugh meant: but he had already seen two Parliaments holden in one year, and he had no objection to seeing that again. The resolutions likewise stated that during the whole of the reign of Edward 3rd, and during the first eighteen years of the reign of his successors, writs were issued for the meeting of Parliament once in each year, and sometimes twice in the same year. The meeting of delegates resolved in consequence to use their best efforts to obtain a law extending the suffrage very largely, and providing for the taking of the suffrage at the public expense. He further reminded the House, that on the 3rd of June, 1780, the Duke of Richmond presented a bill to the House of Lords, for the purpose of restoring to the people their right of voting for Members of Parliament. It was entitled, "an Act for declaring and restoring the natural, unalienable, and equal right of all the Commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law only excepted) to vote in the election of their Representatives in Parliament." The heads of that bill were, that "Parliament in future should last but one year, that the number of Members should continue to be 558, that every man born a subject of Great Britain, should be entitled to a vote at the age of twenty-one years; that every county should be divided into districts, and that such districts should be called boroughs." This bill then of the Duke of Richmond, carried out nearly every one of the five principles asserted at present by the Chartists. Again the friends of the people in 1792 formed an association, and proclaimed almost the very same principles. He held in his hand a copy of the resolutions passed on the 30th of May, 1792, by that association, Mr. W. Smith, the late Member for Norwich, being in the chair. Of that association he believed that his hon. Friend, the Member for Middlesex, and the hon. Member for Hereford, were the only two survivors then in the House. He regretted that the hon. Member for North Wiltshire was not in his place, for he held in his hand an extract from a speech which that hon. Baronet had made on the 15th of June, 1809, and which went the full length of the present petition. On that occasion the hon. Baronet proposed,

> "First, that freeholders, householders, and others, subject to direct taxation in support of the poor, the Church, and the State, should be required to elect Members to serve in Parliament; secondly, that each county should be subdivided according to its taxed male population, and each subdivision required to elect one Representative; thirdly, that the votes should be taken in each parish by the parish officers, and that all the elections should be finished in one and the same day; and, fourthly, that Parliament should be brought back to a constitutional duration."

The hon. Baronet then proceeded as follows:—

> "I have stated fully and dispassionately, and I hope clearly and satisfactorily, to this House, and to the public, the remedy for all our

grievances, which I have been so often called upon to produce. I have obeyed that call; in that, at least, I hope I have given satisfaction. The remedy I have proposed is simple, constitutional, practicable, and safe, calculated to give satisfaction to the people, to preserve the rights of the Crown, and to restore the balance of the constitution. These have been the objects of my pursuit; to these have I always directed my attention; higher I do not aspire, lower I cannot descend."

It was not uninteresting to observe the opposite definitions given of Universal Suffrage, by Tory and Radical writers. In *Blackwood*'s Magazine, it was described as meaning

> "The destruction of property, order, and civilization; impracticable in an old and highly peopled State; and necessarily ruinous to the security of life and liberty."

On the other hand, the Chartists asserted that

> "To deprive any member of the community of his right to vote, in making the laws, or electing those who are to make them, was neither more nor less than an outlawry of such individual—putting him out of the pale of the Constitution—that it is, in fact, a robbery, if the least particle of his property is touched for the purposes of the community which thus excludes him—that a man deprived of his vote is, to all intents and purposes, a slave, for he is wholly dependent on others for life, and liberty, and comfort, which he is obliged to commit to the care and keeping of persons whom he despises, perhaps detests."

He held by this opinion; and in its support he would quote two high authorities —the noble Lord, (J. Russell) and Earl Grey. The noble Lord, in introducing the Reform Bill, said,

> "In the ancient Constitution of the country, no man could be taxed for the support of the State who had not consented, by himself or his representatives, to such tax."

How could the noble Lord, after making that declaration to induce the House to pass the Reform Bill, now laugh at the demand for Universal Suffrage? Either the noble Lord must have a short memory, or he must have marvellously altered his opinions. Earl Grey said, speaking of the Reform Bill, and he (Mr. Hume) would apply it to the Chartist petition,

> "I believe the measure to be one of peace and conciliation. In 1786 (the noble Earl continued) I supported Mr. Pitt in his measure for shortening Parliaments—and making the House of Commons more fully, fairly, and freely, representing the people."

If he were asked, would Household Suffrage give cheap bread? he would reply, that it would send into that House men who would better attend to the wants and interests of the community; and he would say openly, that he supported it, and had proposed it, as a step to a more extensive reform. The condition of the country rendered absolutely essential, in his opinion, some immediate progress towards further reform, and if household suffrage had been conceded, he believed it would have stopped much of the discontent that prevailed. He begged pardon of the House for having so long trespassed upon them, but he felt that it was most important to the best interests of the country, that when a petition came up, signed by 1,200,000 of the industrious classes, they should be treated with consideration and respect. They deplored the want of education, and complained that the House had neglected its duty, in spreading that enlightenment of the popular mind, which would be the best basis of a strong and good Government. They wished not to affect the interests of the aristocracy, or the stability of the Throne, but they wished to keep the aristocracy in their proper sphere, and to give the Commons of England their due weight and influence. He entreated the House to devise means of giving satisfaction to the now discontented masses. And he did implore the noble Lord well to consider if the Constitution would not be more endangered by resisting these demands, than by basing the Government on the suffrages of four or five millions of electors. If the noble Lord rejected these demands, he believed that the best institutions of the country would be perilled—but if every man in the country had a vote, he believed men would be sent to this House, anxious to correct abuses, and especially to control unnecessary expenses, and to give to industry its due reward. On these considerations, therefore, he should give his support to the motion.

Mr. *Slaney* said, he could not agree to going into Committee on a petition which asked so large an alteration in the constitution, and one which appeared to him not at all calculated to lead to the end which the petitioners professed to have in view. He would have been willing to give to their prayer every consideration, if he believed that it was in any degree likely to forward their own object. They complained that they were suffering under deep distress. Nobody could doubt, who had read their petition, that they greatly exaggerated in their statements, and that these statements were not derived from the petitioners themselves, but were suggested to them by evil counsellors. Still, he lamented that he was obliged to confess the existence of great distress among the lower orders, and to relieve this distress he hoped and trusted that something might be done. He wished to turn from the political part of the subject, and to avoid entering into the interminable discussions connected with the corn-laws, and the currency, and the poor-laws. The petitioners required a remedy, of which he doubted the propriety; nay, he believed that the very fact of going into Committee on such a proposition, would tend to unsettle the public mind, and shake the confidence of capitalists in the stability of things. The population had increased six times more in the large towns than in the country? but no corresponding alteration had taken place in the provision for the comforts and improvement of the people. In Manchester, Liverpool, Birmingham, and other large towns, one in seven or one in ten of the population lived in great distress. No care was taken of the health of the people, who were crowded together in small damp houses, and filthy cellars without ventilation. Could any man doubt that Parliament had neglected the education and moral culture of the people? The Government was entitled to credit for the measures which they had brought forward, but they were generally marred in their progress. The Members of that House had used their power rather for their own aggrandizement, than for the benefit of the people. He hoped he should soon see them adopt practical measures for infusing foresight and providence into the habits of the people, which were so much more essential to them than to the higher classes.

Mr. *O'Connell.* I must claim the indulgence of the House whilst I express my opinions on this occasion; because having taken a decided part against the Chartists out of this House, I feel it to be my duty to declare, that I am favourable to the principle, but not to the details of this petition. I don't agree to the adoption of the entire Charter, but I think there is a portion of it which ought to be worked out. I cannot certainly consent to annual Parliaments. I am convinced, that if annual Parliaments were adopted, they would become so much a matter of course, that instead of creating the riot and tumult which were apprehended, they would become, as in many places in America, matters of indifference, and not produce so good a selection as if they occurred less frequently. I candidly admit I am a thorough Radical Reformer, therefore I am for the utmost practical extension of the suffrage. I am not for an universal suffrage, because I consider it totally inapplicable to the existing state of society. The Chartists themselves do not mean universality of suffrage, though they seem to call for it; for they admit an exception to their demand, which does not exist in the East-India House and the Bank, by excluding females from the right of voting. But I confess the noble Lord did not, in my mind, state any argument against general suffrage, that is, a suffrage co-extensive with the existence of freedom of action on the part of those enjoying it. I don't think that apprentices or servants should have a vote, or any one over whose opinion a direct dominion could be exercised; but within that limit (which is rather an extensive one) I want to know why any Englishman should be deprived of this right? I do not see in this country, as in the West Indies, a master class of one colour, and a slave class of another. If I saw in England a superiority of one class over another, in point of moral, physical, and intellectual power, I should assent to the dominion which is implied by the present state of things. But as the wealthy class does not possess any such advantage, I utterly deny the right of the wealthy class to call themselves the master class, and to make the poor the slave class, depriving them of all share in the representation or power of interfering in the making of laws. My hon. Friend near me (Mr. Hume) showed from the text-writers on our law, that taxation and representation were correlative. Indeed, so familiar is this principle to the mind of every lawyer, that the right hon. Member for Ripon (Sir E. Sugden) last night, dwelt on the cruelty of taxing the Canadians without allowing them the right of choosing their representatives. The man who is taxed withot being represented is robbed of his money, and what he is made to contribute towards the exigencies of the State, he does not pay according to the process of law. I should, then, place the poor man and the rich man on a perfect equality, being convinced, that if you deprive either of his vote, you rob him of his property by taxing him without his consent. Now, how does this question of the suffrage stand at present? What proportion of the adult population possess it? Why nineteen per cent. is the miserable proportion in which the people enjoy the franchise. The remaining eighty-one per cent. are deprived of votes. How is it in Ireland? Four per cent. of the whole adult population possess a right of voting—a contemptible minority of the people of Ireland. This is nothing imaginary. It is a serious—a real grievance. And when eighty-one persons out of every hundred are unjustly deprived of the right of voting in England, how can you expect peace, or contentment, or quietude as long as a topic of that kind, so powerful in itself, is left in the hands of any man who chooses to agitate the public mind? And can you imagine that we Irish agitators will not make use of the powerful argument with which we are furnished in the fact, that ninety-six out of every hundred persons in Ireland are shut out from all control over the laws? But you have adopted the fantastic principle of resting the right of voting on 10*l.* annual value, and you have been guilty of the preposterous injustice of vesting the franchise in inert matter, a house or a farm, whilst you disqualify the labouring man, whose wages amount to much more than your favourite standard. And after these things, you hope to be secure against popular attacks, conscious as the people are of the grievances which they endure, and their sense of their being embittered by the reflection, that they are incapable of removing them, because they are prevented from enjoying the right of voting possessed by their fellow-citizens. I shall not enter upon the topic of the ballot, though I am decidedly for it. I shall not allude to the question of qualification further than to say, that the absurd anomaly at present exists, that Members for Ireland and England are obliged to qualify, whilst those for Scotland do not qualify at all. As to the payment of Members for their attendance, it cannot be supposed that I should be very unfavourable to that principle, and I have therefore no hesitation in supporting it. But what I wish to impress on the House is, that your exclusive laws at present infuse fresh discontent into the sullen spirit in which it is natural to expect that the people, situated as they are, should give way. It unfortunately happens, that in every country the poorer classes, from being crowded into towns, from sickness, accident, and the variations of trade, suffer what are to them the greatest calamities. You aggravate this real and substantial grievance by imposing on those subject to it political inferiority. I am thoroughly convinced, that the present system of exclusive voting, and the aristocratic mode in which this House is elected, would have yielded to popular discontent, but for the conduct of the Chartists. If it had not been for the recommendation to use physical force—if it were not for the ridiculous folly exhibited in their scheme of measures, and particularly in the advice to go to the savings'-banks, and take out the money, I am persuaded that the demands of the people would have been in great part answered. What triflers and idiots these men must be! If they had any desire to accomplish the national objects of the people, they would advise them to save and deposit what they could of their earnings in the savings'-banks, instead of advising them to go and squander the money laid up there. Such folly could only have its source in the greatest depravity. They are the protectors of the aristocratic exclusionists in this country. Their violent proceedings have scared from their ranks the middle classes—the strength, sinew, and bone of society. Nothing is more familiar than to read in the newspapers now-a-days treasonable recommendations, for any recommendation to alter an existing law by force is high treason. This traitorous language has terrified all sober and quiet members of society, and at a time when popular opinions were fast gaining ground, these men have cut off the resources of persuasion and argument. I was sorry to hear the noble Lord (Lord John Russell) institute a comparison between aristocratic and democratic Government. In one respect, the noble Lord's answer to the hon. Member for Birmingham was perfect. That hon. Member looks forward to the establishment of the democratic principle as the means of obtaining his favourite paper currency, with a perfect freedom from fluctuations. The noble Lord showed that these fluctuations, and more, prevail in America, where the democratic principle exists to the widest extent. But the noble Lord should have been satisfied with that decided answer to one part of the hon. Gentleman's argument, and not have inveighed against democracy generally. Let me ask the noble Lord, does America furnish any discouragement to those who are favourable to the democratic principle? What other country can boast that it has paid off its national debt, and is free from all direct taxation? And proudly as the British flag floats, is it safer than the American? Is there any country more secure from foreign invasion? When, therefore, the noble Lord quotes America, I must remind him, that there are many pages in the history of that government which provide a direct incentive to increase the power of the democratic element. The histories of Greece and Rome, of Norway, and of Belgium, all shew the advantage of democracy. This principle cannot be of use, if it be not moderate in its demands, as well as peremptory. Within perfectly legal and strictly constitutional grounds, it was fortified against every attack. When so guided, it may be left with safety to control the public mind, and under such circumstances, I am convinced, that too much encouragement cannot be given to the people of England to insist that this House should represent the entire nation, and not a portion of it. The good sense which distinguishes the people cannot fail to be struck by the useless conflicts for office in this House, during which, even the cause of education is tarnished by the propagation of bigotry and bad feeling. I am ready to vote for going into Committee, being favourable to a considerable extension of the suffrage, ballot, a shortened duration of Parliament, the abolition of a property qualification, and to allowing such constituencies as please to pay the expenses of their Members. I am opposed altogether to every exertion of physical force in attaining these objects, more especially when I observe, that those who stimulate the people to violence, are most careful to remain at a distance when the army comes down upon the victims of their advice.

Mr. *Wallace*, agreeing in much of what had been said by others who had preceded him, would state briefly the course he intended to take. He would vote for going into Committee, in order to see what could be done there in this important matter. Although he did not agree to all the demands of the Chartists, he retained firmly his often declared opinions. He agreed to four out of the six demands of the Chartists. He disagreed from Universal Suffrage, but agreed to Household Suffrage. He disagreed from Annual Parliaments, but he was decidedly favourable to Triennial. He agreed to Vote by Ballot, and paid Representatives. He agreed also to no qualifications for Members, and he sat in that House without being required to produce a qualification. He agreed to equal representation as being sound in principle, and was prepared to admit, that where 1,200,000 of thinking men had signed a petition to obtain these things, it would be gross presumption in him to say, that this House should not go into Committee on the question. Though he did not think it at all likely, yet if these men, and those who advocated their cause, should show to him in Committee, good reason for going against his opinions with respect to Universal Suffrage and Annual Parliaments, he would change those opinions, at the same time, it was right to say, he saw very little chance of this. He, however, sincerely believed, that with Triennial Parliaments and Household Suffrage all the benefits desired could be obtained.

Mr. *A. White* said, though he considered it little better than high treason to call on the people to arm, still he hoped the time would soon come when the country would respond to the call for further reform, which was sure otherwise to be carried with a vengeance. He was quite sure the middle and lower classes would not be satisfied until they were fully and fairly represented in Parliament, and he could tell the House, that a very strong feeling existed on the subject, to his own knowledge, in the North of England. He had no hesitation in saying, that in consequence of the great number of useful reforms denied to the country in another place after they had been conceded by that House, the people had got into a state of desperation, and entertained no further hope of redress from Parliament. He thought her Majesty's Ministers entitled to the gratitude of the people of this country, and he hoped they would be enabled to carry out their good intentions towards them very shortly.

General *Johnson* rejoiced to perceive

the grounds that had been taken by the petitioners. He had not heard a single argument against the justice of their claim. They demanded an undeniable right, and if that were withheld from them, they were entitled to exemption from taxation. If hon. Gentlemen opposite did not think fit to concede that undoubted right—the right of representation—to 1,200,000 men, they should be prepared to adopt the alternative. He heard no Member allude to the foundation of the evils under which the poorer classes laboured. It was the National Debt. Until there was a House so constituted as that it would grapple with that evil, the country could gain no real relief. Whether it were the Corn-tax or the all-swallowing monster of the Consolidated Fund that swept away the resources of the people, made little difference. To give them satisfaction they must be relieved from taxation; and the best way to bring about that result would be to give universal suffrage, that was, every man of twenty-one, unattainted by crime, being allowed to vote. The remainder of the petitioners' claims would be granted according to the wisdom of those sent to administer the laws.

Mr. *Villiers* intended to vote in favour of the Committee, and what the gallant Member who had just spoken had said should not deter him, though he must say, that if anything was likely to excite alarm and distrust in the object of the motion, it was the sort of language which the hon. Gentleman had held with respect to the national debt.

General *Johnson* rose and said, that he had said nothing that implied an intention of dealing dishonestly with the public debt; he had only spoken of the necessity of grappling with the national debt.

Mr. *Villiers* said it was precisely that expression of "grappling" of which he complained, for he knew that it would be misunderstood and would be construed in a sense likely to alarm the public creditor. Now, he would not allow that unguarded expression of the gallant Gentleman to bring discredit on those who voted for the motion; and, therefore, if he meant anything that could in any way affect the public credit, he should consider it a mere individual opinion, and in no way connected with the justice of considering the petition before the House; and he begged to remind the House, that opinions of that kind were just as common among those who abjured the objects of this petition as among its friends; and in proof of this, he begged to allude to what he had heard himself during the debate on the Corn-laws, when a country Member said, that, if the Corn-laws were repealed, he, for one, should be ready to laugh at the idea of preserving faith with the public creditor; and he was sure that no Member could be more opposed to the extension of the franchise than that hon. Member. He wished, therefore, to note that this question of breaking faith with the public creditor was the notion of a few individuals; but by no means the opinion countenanced by any class or political party, whether the working class or any other. He, for one, was ready to say, that if his vote to-night could be identified with the erroneous views of some of the advocates of the petition, or could be supposed to associate him with those who would disobey the law or invade the rights of property, there was not a man in that House who would be more opposed to it. This, however, he did not consider a consequence necessary upon going into a Committee to take the subject matter of the petition into consideration; and he really could not help placing himself in the position of the petitioners, and judging of them as he would be judged himself, and that was, by what he did pray for in his petition, and not by what others might choose to say he intended to ask for. Now, these petitioners really only asked of the House to do what, if they were in earnest themselves, they could not think them unreasonable in doing; for the petitioners heard and read of what the Members of that House said of each other—they saw them occupied chiefly in bandying from one side to the other every kind of reproach, and charging each other with gross neglect of duty, or with the wilful intention of promoting their own interests at the expense of the country. The people, then, who might be considered as the lookers on, suffering themselves, beginning to inquire into the connection of their own condition with the laws and institutions of the country, were not unnaturally led to believe, from what they saw and what they endured, that the only remedy for their grievances was, a different constitution of that House. They had its authority for its own inefficiency, and they had their own suffering, and the doctrines of those in whom they trusted, as reasons for some change. He regarded this motion as nothing more than asking the House to take into consideration the remedy which 1,200,000 people proposed for their own sufferings. Now, really, if there was anything in the argument against a measure that it was not supported by petitions, which was frequently stated, he could not conceive how a measure, supported by such a gigantic petition as the present, could be so disregarded as for the House not to enter into a consideration of its merits. He put himself, then, in the place of the petitioners, and feeling that they had great wrongs, and that the House did not consult the general interests of the country as it ought and might, if differently constituted, he thought he should be guilty of great injustice, not to say inconsistency, after the opinion that he had on more than one occasion expressed of the conduct of this House, if he did not vote for, at least, considering the allegations and remedies suggested by the people in their petition.

Mr. *Oswald* was understood to state that he should not support the proposition for going into Committee to consider the petition, because he believed that the only effect of such a proceeding on the part of the House would be to give rise to hopes and expectations in the public mind, which would certainly be disappointed. He did not pretend to say how far the elective franchise might, in time, be extended in this country. He believed the question to be an extremely difficult one; but this he would say, that there was an overwhelming majority in this country totally opposed to universal suffrage, and that being the leading feature in the present petition, he should hold himself as acting exceedingly wrong if he were to consent to go into a Committee where that subject was to be discussed.

Mr. *Warburton*, differing from the hon. Gentleman who had just sat down, did not consider that he should be practising any deception upon the people if he consented to go into this Committee, because this was not the first instance that had occurred within the walls of Parliament in which Members not agreeing to the full extent in certain principles laid down by petitioners, had still felt themselves justified (practising, as he maintained, no deception) in admitting them in a degree. He agreed with the hon. Member for Glasgow (Mr. Oswald) to this extent, that he was not prepared to go all the way with the petitioners. He was not favourable to universal suffrage, nor to annual Parliaments; but thought that the suffrage ought to be extended, and the duration of Parliament limited to three years. But because he differed so far from the petitioners, was he therefore to refuse to enter into the subject-matter of the petition at all? He should support the Committee, because he thought a full and fair representation of the people necessary. He did not put it on the ground of abstract right—(he did not know what abstract right meant)—but he was favourable to going into Committee, because he believed good representation conduced to good Government, and bad representation to bad Government. If he thought that the giving a more extensive suffrage to the people would lead to cancelling the national debt, he should be the first to resist it; but he did not believe that it would be followed by any such result. He knew that there was a vast number of small fundholders who were deeply interested in sustaining the national debt—he knew also that there were a vast number of the same class who were adverse to tampering with the currency. For that reason it was, that he was not afraid of extending the representation, and certainly not averse to taking the subject-matter of the present petition into consideration in Committee.

Mr. *Wakley* wished to know whether the hon. Member for Glasgow was anxious to have it proclaimed to those who elected him that he was opposed to the whole of the six propositions set forth in the petition? Did the hon. Member mean to say, that because he could not support the whole of these propositions, therefore he would not go into Committee with the hope of obtaining one. Was that the line of conduct which the hon. Member meant to pursue to obtain the applause and the approbation and the confidence of his constituents at Glasgow. It did not follow because the hon. Member was opposed to some of the propositions contained in the petition, that therefore he should refuse to go into Committee to consider them in conjunction with others to which he might be induced to assent. He was not one of those who thought that the noble Lord, the Home Secretary, had treated this subject with any degree of levity or unkindness; he thought that the noble Lord's speech was a kind speech, and, for the most part, a very conciliatory speech. Entertaining the opinions which the noble Lord was known to do, he thought he had treated the subject with the utmost fairness. There was, however, one remark of the noble Lord's which he very much regretted to hear him make; he meant the remark which applied to the wages of the labouring classes. The noble Lord said, he did not think that the working people were in such a state of distress as was represented in the petition, and he mentioned two counties, the one agricultural, the other commercial, to prove the accuracy of his statement. The noble Lord made the county of Devon his agricultural illustration. He (Mr. Wakley) should have thought that the noble Lord would have been one of the last men in the House to make a reference to that county. He should have thought that the noble Lord had had enough of Devonshire. The noble Lord, however, selected that county as presenting a proof of the sufficiency of pay to agricultural labourers, and in support of his argument alluded to the increased amount of deposits in the savings-bank at Exeter. But whatever the increase in the amount of those deposits might be, he was satisfied that they could not have been made by the labouring people of the county, and he was inclined to think that there were some parties in the country who were extensively lending themselves to frauds on the savings-banks. He thought that the deposits of which they heard every day as being made by the labouring people did not come from the pockets of that class of persons. Did the noble Lord know what was the actual amount of wages to agricultural labourers in Devonshire at the present moment? Did he know what it had been for the last five or six years? If he did not, he would tell the noble Lord that, at the present moment, and for years past, the rate of wages had only been from 6*s.* to 7*s.* a week. This at least he knew to be the fact in one part of the county with which he was well acquainted. And did the noble Lord believe, that a man with a wife and family to support, and receiving only such an amount of wages, could afford to make any deposit in a savings-bank? The thing was perfectly preposterous; and he hoped that another year would not be allowed to pass over without the appointment of a committee to examine these matters fully, and to let the House and country know what were the causes which led to this inadequate remuneration of the labouring poor. He repeated, that in those parts of the county of Devon with which he was acquainted, the rate of wages to the agricultural labourers did not exceed 7*s.* a-week. He made this statement advisedly, and with a perfect knowledge of the case. But leaving the county of Devon, and extending the inquiry to other parts of the kingdom, what was the state of wages in the neighbourhood of the metropolis? He had some conversation a few days ago with a farmer, resident within ten miles of London, who told him, that after thirty years' experience, he had never known the labouring classes to be in such a state of complete poverty and utter destitution, as at the present moment. He was speaking of a farmer at Greenford, within ten miles of Oxford-street, who told him that the labourers there and in the neighbouring parishes were lying about in sheds, barns, and out-houses. [An hon. *Member:* They were harvest men.] Yes, they were harvest men. He knew that. But was that the condition in which the House wished the industrious classes to be placed. Here they were, sweating and toiling day by day under a burning sun, and where was their resting-place at night? a barn, a shed, an out-house, covered with rags, and suffering under a degree of poverty which it was not in the power of language to describe. He was not going to detain the House. Enough had been said on the subject to show that the House ought to go into an inquiry on the subject. But the House would not inquire. Then what was the use of the present discussion? He wished the country to know what were the chances of its obtaining relief from that House. It was said, that it was not good to give the people the right of legislating. If that were so, why did the House, as at present constituted, hold fast to power with such extraordinary tenacity? Why did it not give the people the power of legislating for themselves? But no; the House carefully and pertinaciously abstained from adopting such a course. He was not one of those who would lead the people to endeavour to obtain a remedy by the shedding of blood; he would not encourage or sanction a delusion; but he would say this to the people—"Do not waste your energies by presenting petitions to the House of Commons; do not present petitions where they cannot be discussed upon presentation;" for, if he had twenty petitions in his hand, he should not, according to the present practice of the House, be allowed to speak upon one of them. A gag was placed upon the mouth of every Member who ventured to present a petition. Therefore, if he were addressing the people out of doors, he should say, "Form associations — discuss your grievances — make known your wants, and make friends, not enemies, of your neighbours. Try to win by constant temperate discussion, and constant complaint, the confidence and goodwill of the middle classes of society, and join with them in such demands as shall at last have an effect upon the Representative Assembly." Such would be his advice to the people; but, as at present constituted, he believed that they might as well address the rock of Gibraltar as the House of Commons. It was a mockery—a delusion, which he, for one, would never encourage. As long as the people endeavoured to make an impression upon the House of Commons, as at present constituted, so long would they be directing their energies to a wrong quarter.

Mr. *Fox Maule* did not intend to have taken part in the present debate, and should not have done so, if it had not been for what had fallen from the hon. Member who had just sat down, in reference to the speech of his hon. Friend, the Member for Glasgow (Mr. Oswald). The hon. Member said, that his hon. Friend must take the consequences of that speech, referring, as he supposed, to the effects which the speech was likely to entail upon him amongst his constituents. Now, he apprehended, that the hon. Member for Finsbury, when he threw out that observation, was labouring under a complete mistake as to the general feeling in Scotland concerning what was called the Charter. In consequence of what had transpired, he felt himself called upon to declare, that the feeling of the vast majority of the people of Scotland was not in favour of, but in decided opposition to, what was called the People's Charter. He was the more convinced that he was right in that conviction when he referred to the county of Perth. The delegate appointed to represent that county and the county of Fife in the National Convention, as it was called, withdrew himself from that association as soon as he perceived the precipice to which it was approaching, and was no longer a member of the body. The people of Scotland entertained undoubtedly strong political feelings; but they had, at the same time, a sense of the rights of property, and took a warm interest in the happiness and comfort of the bulk of the community. The hon. Member for Finsbury had stated, that the people were induced to urge the prayer of the present petition, and to insist upon the adoption of the Charter, because the wages they earned were inadequate to the support of themselves and their families. He was sorry to hear that that was the case in England; but he was happy to say, that in the country to which he belonged the wages of the agricultural labourer were such as to enable him to maintain himself and his family in comfort. The only additional advantage which he would demand for that class of the population in Scotland would be the establishment of savings-banks; with respect to which, as they existed in England, he thought the hon. Member for Finsbury had fallen into some mistake. At all events, the hon. Member differed very materially upon that point from those who advocated the Charter: for the hon. Member said, that there was some conspiracy—that others than the labouring classes were putting their funds into these banks, whereas the supporters of the Charter made it one of the grounds of complaint—one of the proofs of the depression and distress of the labouring classes, that the deposits in the savings'-banks were diminishing, and, if the present state of things continued, threatened to become infinitely less. He should not have been led to address the House upon this subject at all, except to state publicly his own belief, that the people of Scotland were generally—or, at all events, a vast majority of them—opposed to this Charter, and that they were lovers of good order, which good order, he believed, the promoters of this Charter would do all they could to subvert.

Sir *T. Acland* said, the House had no just idea of the state of the agricultural labourers if they judged from the nominal wages given them. There were other circumstances to be taken into consideration which would exhibit a very different picture. Taking 7*s.* a-week as the customary wages, though in very few parishes it stood at so low a sum, it was usual to give liquor also, which made it equal to 8*s.* a-week, and which ought to be taken into calculation as diminishing the grievance, as a labourer believed that he kept up his strength by this. But where these low wages were given, and a labourer was constantly employed by a master, it was common to let the labourer have a cottage at a very low rent, or at no rent at all. It was common also to give fuel, which was a very great consideration. No greater improvement had taken place in the last ten or fifteen years, than to allow the labouring man, with his children, to cultivate a small strip of land, which the farmer ploughed, and into which the tenant put his seed. These things were common in the country. It was usual with him to ask the farmers whether they allowed their labourers task-work, by which they might earn 10*s.* or 12*s.* per week, instead of 6*s.*, of which the House had heard, and in many cases this allowance was made. It was not fair to take the actual amount of the labourers' wages from the statement made before the guardians. He had known instances in which 6*s.* was the amount said to be received by the labourer, but, on inquiry, it turned out that the wages actually received amounted to 11*s.* 3*d.*, the labourer having had a cottage allowed him, which he let out to another and received the rent of it. He did not state these facts with any desire to keep wages low, for earnestly did he wish to see them much higher, but he was desirous that the statement of the labourer as to the amount of his wages, should not always be implicitly relied on.

Sir *J. Yarde Buller* concurred in the view taken of this question by his hon. Friend, who had just addressed the House. It was perfectly true, that besides the actual amount of money wages, the labourer had cider allowed him, and also commonly a cottage rent free, or at a very low rate, in addition to which, it was usual to let him have his wheat at a reduced price. This gave him an actual amount of payment for his labour of from 10*s.* to 15*s.* per week. He fully concurred in the statement of the noble Lord as to the amount of deposits in the savings-banks.

Mr. *Scholefield* thought there ought to be a property tax. The noble Lord the Secretary for the Home Department had charged the Reformers with having made up their minds for a division of property. That he denied. They wished for no man's property; and if the House would only act honestly, they would hear of no further Chartist meetings. What they protested against was the aristocracy putting their hands into pockets that did not belong to them. They complained that taxation was not equal; they said that that law which compelled a poor man to pay as much for his pipe of tobacco as the rich man paid for his segar; which compelled a poor man to pay as much for the postage of his letter as the rich man; and which in fact compelled him who earned only 8*s.* a week to pay as much for every article he required for his use as the man who had 15,000*l.* or 20,000*l.* a-year, was unjust. The Chartists wished for nothing but justice—they only desired that they should not pay more than a fair share of taxation. Unless the House acceded to the inquiry now asked for they would not do justice to the petition.

Mr. *Thomas Attwood*: The House should be made aware of the real state of the case of the deposits in the savings'-banks. They amounted altogether to 22 millions, but of these only two millions consisted of deposits of sums under 20*l.*; and when it was considered that there was a temptation to the moneyed interest held out by Act of Parliament of 50 per cent. more than was offered in any other public security by putting money into the savings'-banks, he was to be told that the labourers of England were prosperous because twenty-two millions appeared in the savings'-banks. He would recommend the people, if this single petition were not attended to, to meet in every parish in England and Scotland, and send up petitions from each to the House, and then it would be seen what the working classes could effect. He trusted the House would see the propriety of going into a Committee to investigate, if not to agree, upon the points mentioned in this petition of 1,200,000 honest, hard-working men. Hon. Members would then prove that they were actuated by honest and conscientious motives, and that some faith at least might be had in them. And besides all this, if the House should consent to go into Committee, that evidence of a disposition to entertain the wishes of their fellow subjects would go a long way towards soothing the disappointments that the petitioners had hitherto suffered.

The House divided: Ayes 46; Noes 235; Majority 189.

List of the AYES.

Aglionby, H. A.
Beamish, F. B.
Blake, M. J.
Bridgeman, H.

Brotherton, J.
Browne, R. D.
Collins, W.
Currie, R.
Duke, Sir J.
Duncombe, T.
Easthope, J.
Ellis, W.
Euston, Earl of
Evans, G.
Fielden, J.
Finch, F.
Grote, G.
Harvey, D. W.
Hector, C. J.
Hindly, C.
Hodges, T. L.
Jervis, S.
Johnson, Gen.
Leader, J. T.
Lushington, C.
Marsland, H.
Martin, J.
Milton, Viscount
Molesworth, Sir W.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
Ramsbottom, J.
Roche, E. B.
Rundle, J.
Salwey, Col.
Scholefield, J.
Somerville, Sir W. M.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.
Wood, Sir M.

TELLERS.

Attwood, T.
Hume, J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adam, Admiral
Ainsworth, P.
Alsager, Capt.
Alston, R.
Ashley, hon. H.
Attwood, W.
Baillie, Col.
Baines, E.
Baker, E.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Bentinck, Lord G.
Berkeley, hon. G.
Berkeley, hon. C.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bradshaw, J.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Byng, rt. hon. G. S.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Castlereagh, Viscount
Cavendish, hon. G. H.
Chapman, A.
Chetwynd, Major
Childers, J. W.
Chute, W.L.W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Cole, Viscount
Courtenay, P.
Craig, W. G.
Crawley, S.
Dalmeny, Lord
Darby, G.
Denison, W. J.
Dick, Q.
D'Israeli, B.
Divett, E.
Donkin, Sir R. S.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dundas, F.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, T.
Estcourt, T.
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Lord C.
Fitzroy, hon. H.
Gaskell, J. Milnes
Goddard, A.
Gordon, R.
Gore, O. J. R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, right hon. Sir G.
Grimston, hon. E. H.
Halford, H.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt.hn.Sir H.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, F.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Horsman, E.
Hoskins, K.
Howard F. J.
Howick, Viscount
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Hutton, R.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull,rt.hn.SirE.
Knightly, Sir C.
Labouchere, rt.hon.H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Loch, James
Lockhart, A. M.
Lowther, hon. Col.
Lowther, Viscount
Macaulay, T. B.
Mackenzie, T.
Mackinnon, W. A.
M'Taggart, J.
Mahon, Viscount
Manners, Lord C. S.
Marshall, W.
Mathew, G. B.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
Morpeth, Lord Visct.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Ossulston, Lord
Oswald, J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Col.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pinney, W.
Plumptre, J. P.
Polhill, F.
Powell, Col.
Power, J.
Praed, W. T.
Price, Sir R.
Price, R.
Pryme, G.
Pryse, P.
Pusey, P.
Reid, Sir J. R.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Round, C.G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord, J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Shaw, rt. hon. F.
Sinclair, Sir G.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Stanley, hon. W. O.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, rt. hn. C.P.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.

Verner, Colonel.
Verney, Sir H.
Waddington, H. S.
Walker, R.
Wall, C. B.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, R.
Williams, W. A.
Williams, T. P.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yates, J. A.
Yorke, hon. E. T.

TELLERS.

Stanley, E. J.
Freemantle, Sir T.

Uniform Penny Postage.] On the motion of the *Chancellor of the Exchequer*, the Order of the Day for receiving the report of a Committee on the Postage Acts, was read. On the question that the Report be received,

Mr. *Goulburn* rose for the purpose of proposing the following resolutions, to be substituted for the report:—

"That it appears from the finance accounts of the United Kingdom, laid upon the Table of this House, that the excess of expenditure over income for the year 1837 was 655,760*l.*, and for the year 1838, 345,227*l.*

"That from a statement submitted to this House by the Chancellor of the Exchequer, the excess of expenditure over income for the year ending the 5th day of April, 1840, is estimated at not less than 860,000*l.*, making a total excess of expenditure over income, in the three years ending the 5th day of April, 1840, of not less than 1,860,987*l.*

"That the select committee appointed 'to inquire into the present rates and mode of charging postage, with a view to such a reduction thereof as may be made without injury to the revenue,' reported to this House on the 13th day of August, 1838, as follows:—'That your Committee are of opinion that, so soon as the state of the public revenue will admit of the risking a larger temporary reduction, it will be expedient to subject all inland letters to an uniform rate of one penny per half-ounce, increasing at the rate of one penny for every additional half-ounce.'

"That the net revenue of the Post-office for the year ending the 5th day of January, 1839, amounted to 1,656,993*l.* 15*s.* 3*d.*; and

"That it is the opinion of this House that, with a deficiency of revenue during the three years ending on the 5th day of April, 1840, of not less than 1,860,987*l.*, it is not expedient to adopt any measure for reducing the rates of postage on inland letters to an uniform rate of one penny, (thereby incurring the risk of great present loss to the revenue), at a period of the session so advanced, that it is scarcely possible to give to the details of such a measure, and to the important financial considerations connected with it, that deliberate attention which they ought to receive from Parliament."

He assured the House that whatever might have been his wish at an earlier period of the evening, yet at that late hour he would endeavour to confine his observations to the narrowest possible compass. Those hon. Members who had read the resolutions would observe that the object he sought to attain was the postponement of the measure then under the consideration of the House. He did not wish to express any opinion hostile to an uniform system of penny postage, whenever the methods by which it would be effected should be suggested, and whenever the House had before it all the consequences which would be entailed if the amount of revenue were lowered by the change. It was stated in one of the resolutions, that at this period of the Session the House would have no opportunity of examining the details of any measure, and it would have no opportunity of discussing the great financial considerations connected with it. He had thought that the measure would not have been brought forward in the present Session. He had heard that a noble Lord, the Postmaster-general, had, in another place, called the measure wild and visionary; and in the Committee which had sat upon the question, every Member of the Government had voted against the plan. Therefore, he had had no expectation that the House would have been called upon during the present Session to give effect to the recommendations of the committee, still less did he expect that they would have been called upon to give effect in the present Session to a plan going far beyond the views of the committee, and at variance with the principle which they had laid down, that the state of the revenue should be considered when they dealt with this question. He had also had the expectation, that when the plan was brought forward the Government would state, not only that the country should have an uniform penny postage, but would state the details of the plan by which this important change was to be effected. They were now told, however, that they were to pass a bill to confide in the Board of Treasury the absolute power of making such arrangements as they might think fit for carrying the plan into effect hereafter. It was not a statesmanlike mode. It was not a safe mode of dealing with any public question, for the House to divest itself of its authority and transfer it to the Treasury. This was not a safe course in any circumstances, and above all, it was not safe to give the Treasury a power to relax taxes. If there was any one subject more than another to which the attention of the House was constitutionally directed, it was to the burdens and to the taxation of the people—to consider well what taxes were imposed, and under what circumstances they would be relaxed. It appeared, however, from the Chancellor of the Exchequer's communication, that he was not prepared with any details, but that the Government would consider them during the recess, in order to carry the plan into effect next year. Did the House know the extent of the various interests involved in the consideration then before it? He had been the whole morning receiving deputations from persons who felt themselves likely to be aggrieved by the adoption of the plan, whose interests were materially involved in the question, whether the plan was effected by one mode or the other. The paper-makers were afraid that a monopoly would be created in favour of one or more individuals, to the great detriment of their own interests. The stationers' great objection was to the employment of stamped paper. He would not at that late hour enter more fully into this part of the case, but he would state that they had satisfied him that some persons, if one course were adopted, and that others if another course should be followed, would be involved in great losses, and that a few would meet with irretrievable ruin. He asked these parties whether they had not represented their case to the Chancellor of the Exchequer, and whether they were not satisfied to trust to his discretion. He was met with one universal shout of distrust. They said that they had representatives in Parliament, and that it was their right to call upon them to protect their interests, and to decide whether one method or the other should be adopted. In pursuing his present course, his right hon. Friend precluded all discussion of the details; it was intended to give the Government a discretion which it was unsafe to intrust to any Government. No Government ought to have the power to execute such a plan in what cases and in what form it would be adopted. This was not only an evil in itself, but it was abominable as a precedent. There was in the present day a tendency to get rid of the business of that House, to avoid, as far as possible, prolonged discussion, and if they once referred questions to the Treasury, at their absolute rule and discretion, to determine the course to be adopted, not only would the question of postage and other matters of revenue be thus referred, but other great questions would be committed to them, on which it was the duty of the House, and which the claims of their constituents and of the country required to be considered in that House. All that he asked for was delay, and in order that there might be time for consideration, that there might be a postponement of the resolution. What were they called upon to do? The right hon. Gentleman did not profess to be able to carry out any new arrangement of the Post-office till next year, and why should they not at the commencement of the next Session, when all the interests should have been submitted to the Government, enter upon the question in something of a business-like manner, and let the people understand the principles on which they intended to proceed. But there were other and greater objections to this measure. He alluded to those considerations of a financial character, which had been briefly sketched in the former debate. Let the House recollect that they had been labouring during the last three years, or, at least, that this was the third year, with an expenditure of the country which exceeded the income. For the last three years they had abandoned the duty—the paramount duty of Parliament—to make the expenditure and income equal; and, if the revenue should fall short, either to reduce the expenditure or to increase the receipt to an amount adequate to meet the different expenses of the country. If they gave effect to the resolution then under consideration, so far from having a temporary deficiency, they would do everything in providing that the deficiency which had occurred for the last three years should be extended for at least ten years. It was calculated that the deficiency, caused by this plan, would be a million, or a million and a half, and there had been already two or three millions deficiency, so that they would be involved in the next year in a deficiency of three or four millions; in the following year, the deficiency might not be 1,500,000*l.*, but if it were only half that sum, they would have before the term when the amount would be made up, in addition to the present default, a deficiency of not less than seven or eight millions. That deficiency must be supplied by a new issue of

Exchequer bills, or by a new creation of debt, although, at the present time, we were labouring under more than could be conveniently dealt with. If he had originally felt any evil in the pledge contained in the resolution of the right hon. Gentleman, his opinion was confirmed when he saw that every Member who spoke, even on the Ministerial benches, objected to it also; whilst some considered it absolutely unnecessary, others avowed that they would adopt this as a mode of forcing a reduction of the expenditure. The course they were about to pursue, of again reducing the income when there was already a deficiency, was altogether new. When such a proposition was made to Lord Althorp, no one deprecated it more than that noble Lord. When that noble Lord was called upon to repeal the House-tax and the Malt-tax, he used his utmost endeavours, and with great success, to oppose it; and that was in the year 1833, when the country was not labouring under any deficiency, but when there was a surplus of 700,000*l.* Let them look, also, at the conduct of his right hon. Friend near him (Sir Robert Peel) when placed in great difficulties. Did he endeavour to carry popular favour by the repeal of a tax which, to his own adherents, was greatly obnoxious. No! he told them to beware of making any reduction unless there was a surplus; he told them to beware of embarking in a popular and dangerous system of reduction, because it was calculated that, in time, it would repay itself, and was, therefore, said to be unobjectionable. This had been the uniform doctrine of every person who had administered the Exchequer, and it was their uniform doctrine, because the contrary course would be both dishonest and ruinous. The Parliament had no right to make any reduction in the funds, out of which the public creditor was to be paid. The amount of income was now 600,000*l.* less than the expenditure, yet it was proposed still further to decrease the income, by more than a million and a half, and so neglect one of the first duties of a Government to have such a sum in hand as would meet any demands likely to be made. Nothing was more easy, and nothing was more popular, than to come forward to propose a repeal of taxes. Nothing was more strongly tempting to a Government, and especially to a Government that might be in difficulties, than to throw away two or three millions by the repeal of taxes. It mattered not, whether it was a tax such as this, which he admitted pressed on all classes and particularly the poor, or the Malt-tax, which taxed the natural beverage of the country, or the Cotton-tax which prevented the extension of employment, and of the industry of this country. Were they to abdicate their functions to the Government, as he believed against the sincere conviction of the Government itself, for he was sure, that his right hon. Friend would not embark willingly in a course which he thought inconsistent with public faith? If the Ministers of to-day repealed the Post-office Acts, which yielded a million and a half, what were their successors to do to-morrow? The cry for the remission of taxes would be great; a multitude of petitions would crowd upon their Table, as was the case in 1835, when innumerable petitions on the Malt-tax were presented; and when the country teemed with efforts for the repeal. And, if it were found that there was a precedent of a Government in a time of deficiency, once yielding a million and a-half, what were their successors to do if pressed to adhere to such a precedent as this? He trusted there were not men in that House so far lost to the influence of opinion as to afford such a precedent to the public. But there might be men too glad to avail themselves of such an opportunity, and thus endanger the great financial interests of the country. It was from the apprehension that might ensue from such a course, and the fear of the consequences of the course they were about to pursue—it was from these considerations that he was induced to hope that the House would support the resolutions which he had the honour to submit to their consideration, which would not defeat the principle of an uniform penny postage, if such a measure on mature consideration should prove adapted to the real interests of the people—which would not prevent the remission of the tax when the revenue should be in a fit state to suffer such a diminution, but which would give time for due consideration—time to deliberate whether that or any other means might be adopted to arrange the plan so as to free it from the objections to which it was now exposed, and which, at the present moment, they were unable, duly and properly, to consider. He would call the attention of the House to the report of the Select Committee, and beg to observe that the committee had not recommended the immediate adoption of a uniform penny postage. The committee had merely recommended that "so soon as the state of the revenue would admit," of risking a large temporary reduction it would be expedient to subject all inland letters to a uniform rate of one penny. They distinctly stated, that the revenue should be the first consideration, and, therefore, recommended in the first instance, the adoption of a uniform rate of twopence. Still he did not think that, consistently with the terms of the report, the committee could be viewed even as recommending the adoption of a twopenny rate at once. The condition of the first paragraph, namely, "the state of the public revenue," appeared to him to be applicable to the whole, and even to be an obstacle to the adoption of a twopenny rate, until they had a surplus revenue sufficient to justify the deficiency which that reduction in the rates of postage might produce. It might, no doubt, be argued otherwise from the report, and that they recommended the immediate reduction of the postage rates to two-pence. If such were the views of the committee, he must say, that his opinions differed from theirs. His view was, and in that respect he believed the right hon. Gentleman, the Chancellor of the Exchequer, agreed, that the loss of the revenue would be greater under a twopenny, than under a uniform rate of one penny; and if such were the case, the House ought certainly to wait till the state of the public revenue would justify them in adopting the reduction to the greatest possible extent. Then he would ask the House if the revenue at present exhibited that flourishing appearance to justify them in taking away one million of the public money, when they had besides to provide for a deficiency to the amount of two millions? He certainly was not of that opinion, nor did he think that the House could, on due consideration, agree to a course so unjust to the rights of the public creditor. He was determined, at all events, to record his own opinion on the subject, and he believed there were many persons throughout the country, who, however desirous they might be for the adoption of an uniform low rate of postage, yet, when they came maturely to consider the question, to understand it thoroughly—to know how it bore on the public faith and credit—the manner in which it would impair the resources of the country—he had no fear, when they came to discuss those questions, feeling that they would soon perceive that this was not the time to enter upon a measure of such complicated bearings and grave importance. He had thought it right to say thus much generally for the easement of his conscience, and for his own satisfaction, and whatever the result might be, he should have the proud satisfaction of knowing that he had given his counsel for the postponement of this measure, so as to give time for full consideration, and that he was entirely free from blame. The right hon. Gentleman concluded by moving his resolutions.

The *Chancellor of the Exchequer* must certainly confess, after the declarations which had been made by the right hon. Baronet, the Member for Tamworth, on a former evening, when this measure was under discussion, that he felt altogether astonished at the modified shape in which the opposition was now brought forward by the right hon. Gentleman, and that they were not called upon to discuss that question in the manner which he was led to expect from that previous declaration of war, but to meet it in the more simple form in the nature of resolutions for postponement. The right hon. Baronet was far from declaring that the measure was not likely to give contentment to great numbers of people out of doors, or from denying that it would go far to satisfy many of their representatives in that House. He placed his objections, not on the grounds now stated by the right hon. Gentleman opposite, not on the lateness of the Session, not on objections to the principle of a measure which introduced changes in an Act of Parliament, being put into the hands of the Treasury, but he founded his principal objections on two contingencies. The first was, that there should be a surplus revenue equal to that which might be expected to be lost. The other was the contemplated imposition of a tax to supply the supposed deficiency. He could understand perfectly well both grounds of objection, but one was totally different from the other; and he could also very well understand the principle of prudence, which had at length induced the right hon. Gentleman and hon. Member opposite to take their stand against the measure on the principle of postponement rather than on the more direct and tangible ground originally mooted by the right hon. Baronet. He would put the question to them practically. He would put the first contingently. He did not imagine that there possibly could be many persons in that House who expected that the revenue would present such a surplus as would be equal to the amount which they proposed to risk by adopting the penny postage. How, then, could they attempt to legislate upon the principle of such a contingency. Well, then, let them take the other—that they should adopt a contemporaneous imposition of a tax—the imposition of a tax before it could be known whether there would be a deficiency to justify a tax or not. If he had proceeded on such principles, what would have been the consequences? Would he not have found hon. Gentlemen opposite—he took them on their own showing—if he now proposed the imposition of a tax to the amount of one million and a half—would he not have found the most strong, and, he might add, unanswerable opposition against the imposition of a tax sought to be imposed without experience to justify him in calling for its enactment. [*No, no!*] He thanked hon. Gentlemen opposite for that expression of opinion—for their implied consent to the imposition of a new tax. Let any of them get up to follow out their feelings, and move an amendment for the imposition of a specific tax of any kind. He would support such a motion, taking it as a security tax for this special measure. He was quite sure there must be many hon. Members anxious to avail themselves of this offer, merely restrained by the inconvenient forms of the House from coming forward with a motion for this purpose. But he asked them one and all, would they support the imposition of a new tax when the success of the experiment was untried? Would they do so? As men of sense and practical wisdom, he knew they would not. What then was meant by the plan of postponing the motion for another year? He could see no advantage likely to result from such a course. They would be open to the same objections then as they were at present, unless they could expect that in another year a surplus revenue should exist equal to the whole amount to be taken off. He came then to this conclusion, that this plan of postponement was a convenient way which hon. Gentlemen opposite had chosen of telling the country we do not choose to hazard our popularity by opposing this measure. [*No, no?*] Well, then, let any of them show that they would be in a different state next year. They could not do that. The resolutions for postponement were not brought forward from any sincere feeling that this was not the time to legislate on the question, but they had been prepared for the mere sake of a division. Reflections had been cast upon him, no doubt, for not having brought this question earlier forward. He thought he was right in not bringing it forward until the country should know the real state of the public finances, and the condition in which they actually were. He thought it was his duty to give the country and the House an opportunity of knowing how these matters stood before a vote was taken that would risk a considerable amount of public revenue. In replying to the observations of the right hon. Gentleman, he felt that he laboured under a considerable disadvantage, because, from the manner in which the opposition had been conducted, he was compelled either to answer objections by anticipation, or allude to objections that had been used in the former debate on this subject. He would say, however, that if this were merely an abstract question of any common tax, no one would doubt that the reduction of it would be a public benefit. It would be conceded that it would confer a great boon on the whole population. He said, such would be the case if it were the question of an ordinary tax. The philosopher and the statesman would appreciate such a step, because, by such a remission of taxation, they knew the contingent benefits that would flow, and the relief that would be given to the trade and industry of the country. Repeal the tax on letters, and there was hardly one person, he might almost say, in the whole country, who would not experience a direct and personal benefit from the remission of the tax. This was not a question of intricacy—it was not one requiring calculation or analysis to understand it. It was a question of simple demonstration, that persons now unable to write would feel an interest and excitement in writing, when the postage of letters was lower, and that the benefit by the poorer classes would at once be felt. If it were a mere question of the reduction of duty, it would be felt as a boon. It would be for some short time spoken about in the country, and some kind notice of the Government might perhaps be given, that had proposed such a reduction of taxation. But that feeling would soon pass away, and the matter would speedily be forgotten. That was not the question, however, which he had had the honour to introduce, and he begged now to ask if he had not laid it honestly and fairly before the House. If he had been hunting after that popularity with which he had been charged by the hon. Gentleman opposite, he would have spared himself some of those taunting cheers which had greeted him on a former occasion from his own side of the House. He had acted on no such principles—he had never disguised from the House, that the real question at issue was not the remission of duty on the postage of letters, but the imposition of a tax to the amount which they proposed to lose. He had never disguised that fact, and the House knew, and he appealed to them all if he had ever used any other argument or spoken on the question in any other light, or with a view to mislead or deceive the House. If he had been in search of that popularity of which he had been accused, he should not have been in want of plausible arguments. He could have told them, that the increased amount of correspondence, and the diffusion of useful information would soon compensate for any temporary loss of revenue. But he had done no such thing; and while he had never undervalued the benefits of the measure, he had always maintained the same opinion, that it entailed a great and enormous sacrifice of the public money; and that unless the House was prepared to make good the amount, he was not prepared, and he hoped no majority of that House ever would be prepared, to sanction its adoption. He appealed to every hon. Member who had waited upon him on this subject if such had not been the constant course of conduct which he had followed, in their interviews with him on this subject. Had he acted otherwise, he would have avoided, perhaps, a great part of the fire which had been aimed at him, both in front and rear; but he had been accustomed to such attacks. However, as his line of conduct had been such as he had now described, in regard to this question, he must say he thought it was really too bad to tax him with seeking after popularity by now bringing forward a measure which he did in perfect honour and good faith, and in regard to which he had never misled the public by withholding facts or information. He had no doubt it would be attended with great loss of public income. He had as little doubt, that it was the duty of the House to guarantee the public creditor against the loss of that portion of his security. Here he was at issue with the right hon. Gentleman opposite, and he regretted, that he was thus also at issue with some friends who were warm supporters of the measure itself. Now he would say, if the guarantee which he asked for was one that Parliament could be called on to make good, the argument of the right hon. Gentleman ceased to be applicable, because then the public creditor would run no risk. But he was told, on the other hand, that the guarantee meant nothing. There never was a greater mistake. The argument of hon. Members opposed to the guarantee was, "Our plan will succeed—there will be no permanent deficiency—there will be a continued gradation of improvement, and ultimately a great increase of revenue." Well, then, were they to oppose a guarantee against a loss which, according to their own showing, never would be sustained? That, however, was not the case with him: he had always admitted there would be a large deficiency. He had never pretended to conceal that; and never hesitated, therefore, to ask a guarantee to make it good. But when those hon. Members maintained, that the guarantee which he asked was valueless on the one hand, because it never would be necessary to enforce it, and refused, on the other hand, to give that guarantee, useless and inoperative, according to their views of the results of the measure, he asked the House if they did not put in peril the very proposition which they thus somewhat inconsistently maintained. The right hon. Gentleman made the danger greater than it really was, as he should be able to show by a very few references, and at that late hour he did not expect the House to follow him into details, but there were a few details which it was absolutely necessary that he should refer to. He took the Post-Office revenue, from 1834 to 1838, during which period there had been an unvarying increasing revenue, and during this time reductions had been made in several branches. In 1834, the gross revenue of the Post-Office was 2,209,439*l.*, and in 1838, the same revenue was 2,438,000*l.*, and it would be found that the increase of the revenue had been in those departments in which the greatest reductions in the rates of postage had been made. He said, then, when these reductions were made, they showed that an increase of revenue followed. This was more particularly obvious, if attention was paid to those branches of the Post-Office in which those reductions had taken place. This supported the argument, not of those who said, that when great reduction was made the revenue would be less, but of those who looked to the elasticity of the Post-Office revenue to enable them to make up any deficiency that might at first accrue. Take, for instance, foreign and ship letters, in which a large reduction of postage had taken place, and it might be taken as a general rule, that that branch of the Post-Office revenue invariably showed the greatest increase of revenue in which the greatest reduction of postage had taken place. He would take a limited period of 1833, and the same period of last year, and he found, that in ship and foreign letters the receipts for the first period were 88,000*l.*, and for the last, 103,000*l.*, being the largest proportionate increase with the largest proportionate reduction of postage. If he translated this into the number of letters sent, he found that the number of ship-letters sent respectively, in a short period of the years 1833 and 1837, were 47,000 and 167,000. This was an augmentation almost fourfold in the correspondence. The reduction of postage proposed in the present plan was much greater, and therefore the other increase in the number of letters was no measure of the increase which would take place in the progress of the system before the House. His right hon. Friend said, that he had had the means of communication with leading persons connected with various trades, which would be deeply affected by this plan, and that those persons had expressed great concern that this plan was likely to affect their various interests, and to prejudice them. No doubt some interests were likely to be affected, and alarm was felt as to the course Parliament should follow; and when so much was said of the stamped papers, and Mr. Dickenson's covers, he was not surprised that some apprehensions should be felt, but at the same time it appeared to him a little extraordinary that these great interests should now exer- themselves for the first time on the subject. There must have been a singular remissness on their parts, or they must have been very ill informed on the subject not to have seen the numerous discussions, on this plan that had taken place in the public papers, and to have heard nothing of Mr. Rowland Hill and his plan; nor have been aware of the meetings that had taken place out of doors, nor of the numerous petitions that had been presented to that House, and of the proceedings that had taken place on the subject within the walls of Parliament. The statement that these interests would be largely affected, had indeed been made at the twelfth hour, for not one word had been heard about these interests until the right hon. Gentleman had that night alluded to them, when he declared that they had heard with dismay the proposition of the Chancellor of the Exchequer.

Mr. *Goulburn* said, that he had stated that these parties had heard with dismay that the Chancellor of the Exchequer had adopted the plan of Mr. Hill.

The *Chancellor of the Exchequer* would have supposed that these Gentlemen had had some experience, if not of himself, certainly of other Chancellors of the Exchequer. Probably from their better acquaintance with others that had held that office they had inferred that he would have followed the same course that they thought others would pursue. What had previously taken place, seemed to have escaped altogether the recollection of the right hon. Gentleman. He had asked the House to put the Treasury in that situation, so that they could try at the earliest possible period, this system of cheap postage. He distinctly stated, that without this pledge of the House, the Treasury would not adopt the experiment. He only asked that the subject should be tried until the next Session, when they could take any course that might be necessary. He did not call for an absolute reduction, and said that it was unnecessary to look further. Nothing of the kind had fallen from him—*non meus hic sermo*. He would not take any step without the distinct approval of Parliament, and the pledge of that House to make up any deficiency that might arise. The proceeding gave the

Treasury power to proceed, and in case of reduction in the revenue, further steps might be taken; and in the mean time the details might be taken up. No inducement would lead him to proceed even next Session, without such an assent of the House as he now asked for; and this was absolutely necessary if Parliament intended to legislate on the subject next Session. It was not a mere argument, as had been asserted for the postponing the matter till the beginning of next Session; for if some such powers as were now asked for were not then given, it would be equivalent to indefinitely postponing the question. He entirely concurred with his right hon. Friend in the praise that he bestowed on a noble Friend of his, whom he never heard praised without feelings of satisfaction, and for whom he entertained the strongest feelings of reverence and respect—he meant Earl Spencer. The right hon. Gentleman had asked why he (the Chancellor of the Exchequer) did not act like Earl Spencer in resisting the repeal of the malt-tax, and also the right hon. Baronet, who resisted a proposition made to him when in office, for the repeal of the same tax, although he was urged to do so by many of his most ardent supporters. The repeal of the malt tax, however, would be attended with an absolute loss of revenue, and it might be justly called making a hazardous reduction in the revenue. The proposition for the purpose of reducing the malt-tax was made, in the first instance, by the hon. Baronet, the late Member for Lincolnshire (Sir William Ingleby), and subsequently by the noble Marquess, the Member for Buckinghamshire, but when these propositions were made, neither of them was accompanied with a pledge, that the Parliament would make good any deficiency that might arise in consequence of the repeal of that tax. These were simple propositions for the repeal of that tax, which might have been attended with great prejudice to the public revenue. It would be attended also with an absolute loss of revenue, and the amount was known, but it was not so in this case, which at the same time was accompanied with the declaration of that House, that it would make good any deficiency that might arise. He was satisfied that neither that House, nor the House of Lords, would be indifferent to a matter of public faith, nor disregard a pledge of this kind which he now called upon them to adopt. If the proposition was made for the reduction without being accompanied with this pledge, it would throw discredit on the public resources, and he denied that it was a mere matter of form to make such a pledge. He was perfectly convinced that Parliament would redeem the pledge, and that no Gentleman whom he addressed would refuse to redeem a pledge of faith such as he proposed, that the revenue should not suffer, but that they would make good any deficiency that might arise. He had to express his thanks to the House for having attended to him, and as the right hon. Gentleman had put his amendment on record, he trusted that the resolution already come to by the House, would be confirmed, and also put on record with the distinct pledge involved in it, and if it were not accompanied with the pledge, he trusted that it would be rejected. It was not placed on record as a mere argument for he would not accept it on those terms. If any hon. Members would say that they would vote for the proposition of repeal, but that they meant to throw over the plan, he at once would tell them he would rather at once that they should throw over the proposition. He would state this to hon. Gentlemen on both sides of the House, and he invited them at once to vote against his motion, if they did not intend to support him in his pledge. He repeated, he placed the proposition in the hands of Members, and he begged of them, if they did not intend to adhere to the pledge, at once to throw aside the whole proposition. He knew that the public disappointment would be great at the failure of the measure, and he was willing that the whole dissatisfaction of the petitioners, and the public, should rather rest on him, than that there should be any misapprehension as to the terms of the resolution, or as to the intention of the persons who proposed it.

Sir *R. Peel* observed, that it was one of the inconveniences attendant upon this question, that the House was called upon to take part in a discussion which commenced at eleven o'clock, and if he had been inclined to take any party advantage, nothing could have been more easy than for him to have objected to proceeding with the question at so late an hour. He confessed he was surprised to hear the right hon. Gentleman affect astonishment at the novelty of the course which he had taken. Was he bound to state every objection that he had to offer the other night? He had stated no objection to the principle of the resolution; quite the reverse. What he had said was, that there was an insuperable objection, with a deficiency of nearly 1,000,000*l*., to pledging the House irrevocably to this measure, at this period of the Session, and without being acquainted with the whole details of the proposed measure. What was there in the amendment which was inconsistent with that objection? Was it not an objection that the plan proposed, that large discretionary powers should be confided to the Government? Was it not a novel proposition when a measure was brought forward, to take the consideration of its details out of the hands of Parliament, and to devolve that responsibility upon the Government? He would remind the House also, that the proposition now made was contrary to the recommendation of the Post-office Committee; for they recommended that the postage should be reduced to the uniform rate of 1*d*., whenever the revenue would bear it. The right hon. Gentleman had said that he would only ask for discretionary powers for the Government until the next Session of Parliament. But was this the language of the resolution? The resolution which they were about to affirm was no devolution of a temporary authority, and if the right hon. Gentleman meant to tell the House that this was merely an experiment, he had himself urged the most fatal objection to the scheme that could be brought forward, for if it were merely an experiment it would be far better to wait till the next Session, and then, after drawing its own conclusions as to the probable loss which the revenue would sustain, the Government might, upon its own responsibility, ask the House of Commons to take into consideration the interests of all parties affected. The great objection to the resolution was, that with a deficiency of revenue, amounting to nearly 1,000,000*l*., they were about to incur the hazard of further loss to the extent of 1,500,000*l*. There had been a deficiency in 1837, there had been a deficiency in 1838, and an increased deficiency in 1839, and yet a proposal was now made to incur the hazard of a further deficiency of 1,500,000*l*. The right hon. Gentleman had said that the remission of the tax would be of general utility. Was this to be the general principle on which the remission of taxation was to be conducted? Was it only to become necessary to raise an outcry for the abolition of some particular tax, to have it taken off, with a pledge that Parliament would make good any deficiency which might be occasioned by its remission? This was just the course which was pursued by the National Assembly of France. They repealed every obnoxious impost, and placed the deficiency under the safeguard of the national honour, and they repelled, with indignation, the intimation that the public credit might not be safe under such protection. This was the course which the right hon. Gentleman now took, and this was the precedent which he proposed to follow. But was there no other tax which pressed generally upon the public? Had they heard nothing about the window-tax? Had nothing been said about the repeal of the duty on soap? Would not the cause of morality and cleanliness be advanced if the soap-tax were repealed, and Parliament were to pledge itself to supply the deficiency which might be thereby occasioned? Surely, if the principle was a just one, it ought to be applied in all cases. This was the first time that Parliament, whether a reformed or unreformed Parliament, had taken such a course. Men of all parties had hitherto agreed upon maintaining the public faith with the public creditor. In 1833, when Lord Althorp was left in a minority on the question of repealing the malt-tax, he applied to him (Sir R. Peel) the next day for his support to a motion for rescinding the resolution upon which he was defeated, and he told him, that although it was a very strong measure he would give him his support. Now, what were the principles which were laid down upon that occasion—principles which he hoped would not now be departed from? Lord Althorp threatened his resignation if he did not succeed in rescinding the resolution. He had heard a sneer from the opposite side of the House upon the measures which might be taken by the successors of the present Government in office. He would remind them of what had been done by their predecessors. It was well known that the fate of his (Sir R. Peel's) Administration in 1835 depended upon the vote of the House of Commons on the malt-tax. He had, notwithstanding, resisted the repeal of the malt-duty, and being supported by many of his political opponents, he obtained a triumphant majority. The Government might depend upon the same results if they took the same course. There was no exception in point of principle in favour of Post-office duties. He would take as taxes equally objectionable the post-horse duty, and the tax upon stage-coaches. But what said the noble Lord the Secretary for the Home Department in 1833, when Lord Althorp proposed to rescind the resolution for repealing the malt-tax. [*Murmurs.*] Really, if the House was to commence a discussion of this kind at eleven o'clock at night, after a protracted debate on another important question, they ought at least to afford him a patient hearing, and if they refused it they could not blame those who proposed an adjournment. Let hon. Members listen to the doctrines laid down by the noble Lord, and they would benefit by them. The noble Lord said, that the proposition of the hon. Members for Lincolnshire to commence the financial year with a deficit of 1,000,000*l.* was one which he trusted no House of Commons would ever act upon, and which no Minister should ever sanction. The noble Lord had deprecated beginning the financial year with a deficit; but we had actually now a deficit of 1,000,000*l.* and we were called upon to risk another 1,500,000*l.* The right hon. Gentleman the Chancellor of the Exchequer, then Secretary to the Treasury, said on the same occasion, "Let a saving be first effected, or let a substitute be first provided, and then remit your taxes; but beware that you do not by a rash proceeding place the service or the engagements of the country in jeopardy." The right hon. Gentleman seemed to be so sensible of the continued applicability of these principles, that in the course of his speech, devolving his duty upon the shoulders of Members on the Opposition side of the House, he said, "Do you propose any tax which will amount to 1,500,000*l.* as a guarantee for the loss which may be sustained, and I will support you." Now, he apprehended that this was rather the duty of the right hon. Gentleman. Why did he shrink from the performance of his proper functions, and content himself with the pleasing duty of remitting taxes, while he left it to the Opposition to find the substitute which he admitted to be necessary? The right hon. Gentleman consoled the House by referring them to the pledge. Now, if he (Sir R. Peel) was perfectly certain that Parliament was determined upon making this experiment, he should infinitely prefer, looking at the interest of the public creditor, that there should be no pledge at all. If the House were to give a pledge, that after the next Session of Parliament, or any other definite time, they would supply any deficiency which might then have arisen, the pledge would be of some service. But that was not the pledge for which the Government asked. The pledge was simply to make good any deficiency in the revenue which might be occasioned by the adoption of the present plan. This was merely a vague general obligation to make good the deficiency at some future time. The author of the plan, Mr. Rowland Hill, whose remarks it was impossible to read without being prepossessed in his favour, admitted that the Post-office revenue might suffer, but added that a great stimulus would be given to commerce, which would be a benefit to other sources of the revenue. But who was to determine what benefit was received? Again, a Member who had given the pledge for which the Government asked, might notwithstanding say, when called upon on a future occasion to redeem it, that he had only pledged himself to make good the particular deficiency caused by the Post-office reductions, and although there might be a loss on the revenue derived from the Post-office, other branches of the revenue might have received an equivalent compensation, and therefore that he did not conceive himself bound to make good his pledge. According to the views of one hon. Gentleman, who was a great friend to the measure, the full effect of the plan could not be ascertained for three years. How, then, could they say that any deficiency had been occasioned by the alteration till the plan had been brought into full operation? Let nobody ask for the remission of any particular tax in the meanwhile, for it would be impossible to say whether it could be taken off or not. There were other objections to this particular pledge. The parties who were eventually taxed to supply the deficiency might urge that they did not object to taxation for a supply of a general deficit, but that they did object to being taxed to make good a deficiency in the Post-office duties, because they had not received a corresponding benefit. Now, he would ask the right hon. Gentleman what tax he thought of imposing? There was now a deficiency in the revenue for three years of 1,800,000*l.*, and next year there would be a deficit of 1,000,000*l.* without taking into consideration the estimate made by Lord Ashburton; so that there would be a fourth year of deficit. Now, what tax did the right hon. Gentleman opposite propose? The right hon. Gentleman had said that there was a difference between political and financial considerations; but could the right hon. Gentleman propose the imposition of any tax which would not involve high political considerations? At all events, with a deficit of 2,000,000*l.* in five years, the Chancellor of the Exchequer, whoever he might be, would be called on to provide a remedy. The right hon. Gentleman sought to pledge the House to provide the deficiency which it was admitted would follow the adoption of this plan; but he failed to name the tax he had in contemplation. His (Sir R Peel) belief was, that if it was intended to redeem the pledge, the House would pledge itself now if it adopted the resolution of the right hon. Gentleman, to a property tax; and looking at the state of the public interests, and at the high scale of taxation upon articles which were the elements of manufacture and great consumption, possibly a property tax might be the wisest to be resorted to in such a case. But would the House do so in order merely to raise one or two millions of money? Was it not better to leave the matter unembarrassed by Parliamentary pledges, and trust rather to the general sense of Parliament, to take such a course as the public interest required? He should on these grounds refuse the pledge. The right hon. Gentleman might, if he thought proper, throw on him (Sir R. Peel) the odium and unpopularity of defeating his measure; for that he absolutely cared nothing; but in a matter of this importance, he would rather relinquish public life, and this arena, in which he had combated for thirty years, than he would give his consent to the conrse of proceeding now proposed. He should co-operate with no hon. Member opposed to him in politics to defeat the plan. If hon. Members of different politics to himself joined with him in rejecting the present proposition, he should not reject their aid, but he should reject the plan not from objections to the plan itself, but because the pledge by which it was accompanied was indefinite, discretionary, and almost unintelligible. He trusted that the House, comparing the advantage with the disadvantage, considering that this plan was first opened in the budget the other night, and that the House was now, on the 12th of July, discussing a mere resolution, and that no bill on the subject had yet been introduced—remembering that they had not been afforded an opportunity of consulting their constituents—remembering, also, that the Government had not yet made up their minds on the question as to what description of paper was to be written upon, or upon the question involved in the two words new to the language, viz., prepayment and postpayment;—looking to all these circumstances, he trusted the House would not leave these matters to any department to determine them. Was it fitting that the Treasury should have the right to determine, without appeal to Parliament, whether or not any single paper-maker should have the monopoly?—was it fitting for the House now to agree to that part of the measure, which might involve the interests of the paper-makers generally? He would not anticipate or suppose any abuse of the power; but he claimed for Parliament the right to consult those of their constituents whose fortunes were involved in the matter. Would such a course be a good example to set at the latter end of July? It might be fancied that at present there was a popular clamour, which left no option in the matter; but, in his opinion, in one month the public would think it better that the Government should afford them and their representatives an opportunity of considering the subject by postponing it to an early period of the next Session. He had heard with much pleasure, in the course of the debate which this evening had taken precedence, an assurance given by hon. Members on all sides of the House, that whatever alterations they might seek to make in the Constitution of the country, still they were determined to maintain the public credit. He was gratified to hear, that though Parliaments might be made triennial, that Universal Suffrage might be admitted, and the Vote by Ballot introduced, still every hon. Gentleman who had spoken in the debate to which he adverted, had expressed his determination to keep the credit of the country inviolate. Should it, then, be said, that the Parliament, at the end of a Session, with a deficit in the revenue of 1,800,000*l.* in three years, and of 1,000,000*l.* in the present, with no possibility of a decreased, but rather with a chance of an increased, expenditure to answer the necessities of the public service, bequeathed to its successors the example first of divesting itself of its proper function, and committing the fortunes and interests of the manufacturers to the control of one department of the State; and, secondly, in the existing condition of the public revenue, for the first time, also, set the example of a government not providing for the maintenane of public credit, not resisting a demand for the removal of taxation, not making those who were to reap the benefit feel the pressure of an immediate substitute, but setting the example of conciliating public favour by the indulgent task of remission, and contenting themselves with an unintelligible pledge, that Parliament would provide a compensation for the deficiency in the revenue which they were about to create.

Mr. *P. Thomson* said, that he admitted the great talent with which the right hon. Gentleman opposite had argued this question, but he seemed to forget altogether that the report of the committee was in favour of this plan. He was willing to admit that all the observations of the right hon. Baronet the Member for Tamworth, with respect to public credit, were perfectly just, and he could only say that he was ready to go the whole length the right hon. Baronet had gone in supporting public credit. But what was their position in regard to this question? Why, they were in the position that no experiment could be tried unless Parliament granted to the Treasury the necessary powers for carrying the plan into effect, coupled with a pledge to make good the deficiency, should any arise from its adoption. But the right hon. Baronet said, that the House should not be called upon to make such an experiment until the bill containing the details of the plan were before them, and until the amount of the deficiency was ascertained. Now this was impossible. All the Government wanted was, an opportunity of trying the effects of the measure, and afterwards, when they saw their way more clearly than they did at the present moment, of digesting a plan to be laid before Parliament. With respect to the question of stamped covers and the question of prepayment, how was it possible that they could answer for the working of these points beforehand; and if they could not, then he asked how it was possible that they could be prepared now to state what the deficiency would be, or whether there would be a deficiency or no deficiency? The question in reference to a deficiency no man could ascertain, for it was one beyond the power of calculation. On this subject all the witnesses examined before the committee differed. One stated that there would be no deficiency; another said, if any, it would be small; while Lord Ashburton declared that it would amount to the sacrifice of the whole revenue of the Post-office. Now, if the right hon. Baronet had proposed a plan, what would his estimate of the deficiency be? The right hon. Baronet knew that the extreme deficiency might be 1,600,000*l.*; but between no loss, and the loss of the whole revenue of the Post-office, he could have no means of calculation. That being the case, and it being impossible to tell the amount of the deficiency, or whether there would be any deficiency, they must either defer the present experiment until they had a surplus revenue of 1,600,000*l.*, or adopt the course proposed by her Majesty's Government. He did think that the right hon. Baronet had not stated the case fairly. The right hon. Baronet said, that if Parliament were pledged to make good any deficiency that might arise during the next Session, that would be a definite plan, and not so objectionable as the present. Now, that was precisely his understanding of the proposition before the House. He did not agree with what his hon. Friend the Member for Bridport said the other night, that they should wait three or four years before they called upon Parliament to make good the deficiency; for, on the contrary, he thought, that if the deficiency could be ascertained in one year they were bound to make it up. Mr. Hill and other witnesses, examined before the committee, stated expressly, that although the revenue of the Post-office might be diminished, other branches of the revenue would be increased; but, whether this were so or not, all he could say was, that if a deficiency should occur Parliament would be bound, whenever called upon to redeem their pledge, to make it good. He supported the plan on this ground, on the ground that any deficiency that might arise would be made good. It was, in fact, for this they would have to provide. The present bill was a measure giving to the Treasury powers which they did not possess—power to make the necessary arrangements to reduce the rate of postage, to charge postage by weight, and to fix the manner in which the repayment was to be made. It might be asked how long these powers were to continue? His answer was, only for a year, because next Session all the regulations would come before Parliament in the shape of a bill, and then Parliament might either adopt or reject them. The whole of the regulations, therefore, would come under the control of Parliament, and then Parliament could determine for themselves whether the experiment should continue or not. The pledge would be a security that the plan should not go on unless Parliament approved of the details; and if they were dissatisfied it could not go on, because then the powers given to the Treasury would cease. He was not willing to refuse a trial to this experiment, because he thought it would prove a relaxation of taxation which, while it was beneficial to the community at large, would tend to increase other branches of revenue.

Mr. *Warburton*, far from complaining of opposition, was better satisfied that the present proposition met with it, because it was of infinite importance, that by a discussion the public should be informed of its nature and character. He did not agree in the remark made by the hon. and learned Member for Dublin, that the right hon. Baronet opposite (Sir R. Peel) wished to convert this measure of policy into a party question, for it was one upon which hon. Gentlemen might conscientiously entertain great doubts, though in those doubts he did not join. With regard to the objections which had been raised, it had been first contended, that this was too late a period of the Session to entertain the matter. No doubt the proposition came unexpectedly before the House. But had they never heard of it before? Was the report of the committee unread, or were the petitions which had overwhelmed the House in favour of the scheme forgotten? Had not the progress of public opinion shown, that at a very early period the matter must come under the consideration of Parliament? It was therefore no surprise upon the House to bring forward this proposal. Neither could it be a surprise at this period to the other House, for the report had been printed months ago, and communicated to their Lordships, who, like this House, had been also overwhelmed with petitions, and therefore he could not agree in thinking the late period of the Session afforded any ground for rejecting a matter of such paramount importance. It was next objected, that the proposition gave too great a discretionary authority to the Treasury. Why, had the Treasury not power, even now, under one Act of Parliament, to reduce the rates of postage to any extent they pleased? Had they not the power already, under another act, to enforce the payment of those rates in advance? It was true they had not powers which were necessary to charge by weight, or employ the Stamp-office to collect the rates; but was a discretionary power to do this greater than the powers such as he had described, and which the Treasury already enjoyed? Then, because the stationers and papermakers took an objection to the scheme, it was contended it ought to be postponed. Why, the committee had been overwhelmed with the evidence of these opponents, all showing the great increase in the manufacture and use of paper, which would follow the proposed reduction in the rate of postage; and yet, because one individual urged, that his paper was the best to prevent forgery, they were now in a most preposterous state of alarm and fear that their trade would be injured. He thought he might complain of the manner in which the question had been treated. Nobody had spoken of postage, except as part of the revenue. He denied it had ever, from the first Statute creating the Post-office down to the last report, been treated as a mere matter of revenue. The original act by which the Post-office was created, the act of Charles 2d., stated, that "the Post-office was established, not as a branch of the revenue, but for the advantage of trade and commerce." The public was, therefore, right in the view which they took of this matter—namely, that the primary object of its institution was, to contribute to their convenience. The advantage of Post-office communications ought to be accessible to the whole community; and the subject was, in fact, one which ought not to be made matter of taxation at all. Lord

Lowther had stated, that the direct revenue to be derived from the Post-office, was not the primary consideration; and this opinion was re-echoed by the present committee of Post-office inquiry. Was it reasonable, then, to impose a tax upon letters of 1,000 to 1,400 per cent.! The right hon. Gentleman, the President of the Board of Trade, had gone far beyond the Chancellor of the Exchequer, for he spoke of the necessity of supplying the deficiency at the end of the first year of the experiment. He (Mr. Warburton) had always remonstrated against imposing any new tax, until the plan should have undergone a fair trial. A new tax was in itself a great evil, and was still worse if it were imposed only to meet a temporary difficulty. He had given the Chancellor of the Exchequer no pledge whatever on this subject. But he still was ready to admit, that upon a deficiency being proved, Parliament was bound to make good that deficiency. But the way to improve the revenue was not to impose additional taxes, but to revise the existing system. Let them look to the state of their trade in coffee, in sugar, in timber. By placing those branches of trade upon a rational principle, there was within their reach, almost by a dash of the pen, ample means of providing against any deficiency. The corn trade was too delicate a subject for him to deal with on an occasion like this; but if a deficiency were proved, let them revise their trade in coffee, in sugar, and in timber. They might thus attain at once an increase of 5,000,000*l.*, and feel no deficiency. Let not the public, therefore, be alarmed by the supposition that a new tax was about to be imposed, while these great branches of trade were certain of yielding a large surplus if Government only properly applied themselves to the task. The tea trade, as well as many other branches of the revenue, were managed on a principle of which no reasonable man could approve. Lord Ashburton, when examined as a witness upon this subject, had stated that if the effect of the proposed change would not be to improve the Post-office revenue, it would lead to a considerable improvement in every other branch of the revenue, inasmuch as confidence very much affected every branch of business. He thought that three years would be a fair trial of this great experiment, and he felt assured that by that time not only the Post-office, but every other branch of the revenue, would be found to be improved.

Viscount *Sandon* had never given a vote under circumstances of greater difficulty than the one which he was about to give upon the question then before the House. It was impossible for any man who was in favour of the reduction of the duty upon postage to have listened to the excellent speech of the right hon. Baronet, the Member for Tamworth, without feeling that he incurred a great responsibility in voting for that resolution. He, therefore, did not think it too much to claim the indulgence of the House whilst he stated some of those reasons which had induced him to give the vote which he intended to give upon the subject. He had long been of opinion that the Post-office was not a proper source of revenue; it ought, in his opinion, and he had long held that opinion, to be employed to stimulate other sources of revenue. He had expressed those opinions in other places; they were not the result of the pressure from without, but were the sincere feelings of his own mind; and he, therefore, had the less hesitation in stating them upon that occasion. He was glad that he was in some degree enabled to throw the responsibility of the whole plan upon her Majesty's Ministers. If they took upon themselves the responsibility and incurred the risk of any deficit in the revenue, he should feel inclined to forego any opposition to the plan in acceding to the wishes which had been expressed in its favour. He could not avoid saying that the speech of the right hon. Baronet, the Member for Tamworth, would have the effect, if such were possible, of increasing the confidence which was reposed in him. He had shown that independence of conduct which had always characterized his public life by the course he had pursued with reference to that subject, by preferring the discharge of his public duty to popularity. He had felt it necessary to offer some observations upon the vote which he intended to give.

The House divided on the original question: Ayes 215; Noes 113—Majority 102.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
*Ainsworth, P.
Alston, R.
Anson, hon. Col.
†Archdall, M.
†Attwood, W.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.

Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. C.
Blackett, C.
†Blackstone, W. S.
Blake, M. J.
Blake, W. J.
†Blennerhassett, A.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
†Brownrigg, S.
†Bruges, W. H. L.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
†Castlereagh, Visct.
Cave, R. O.
Cavendish, hon. C.
Cayley, E. S.
Chichester, J. P. B.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Collins, W.
Craig, W. G.
Crawley, S.
Currie, R.
Dalmeny, Lord
*Denison, W. J.
Dennistoun, J.
D'Eyncourt, r.h. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dundas, Sir R.
†East, J. B.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De Lacy
Evans, W.
Ewart, W.
*Fazakerley, J. N.
Fielden, J.
†Fector, J. M.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
†Freshfield, J. W.
Gillon, W. D.
Gordon, R.
Greene, T.
Greenaway, C.
Grey, rt. hn. Sir G.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
†Hodgson, F.
Hollond, R.
Horsman, E.
Hoskins, K.
Howick, Viscount
†Hughes, W. B.
Hume, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
Jervis, J.
*Jervis, S.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
*Lascelles, hn. W. S.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
†Lowther, Visct.
Macaulay, T. B.
Macleod, R.
McTaggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
†Miller, W. H.
Milton, Viscount
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
†Packe, C. W.
Paget, F.
Palmer, C. F.
†Palmer, R.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
*Philips, G. R.
Pigot, D. R.
Ponsonby, C. F. A. C.
Power, J.
Price, Sir R.
Pryse, P.
†Pusey, P.
Ramsbottom, J.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
†Rushout G.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
†Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, R. L.
Shelborne, Earl of
†Sibthorp, Col.
Sinclair, Sir G.
Smith, R. V.
Somerville, Sir W. M.
Spencer, hon. F.
Standish, C.
Stanley, hon. W. O.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Thomson, rt. hn. C. P.
†Thompson, Ald.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
†Waddington, H. S.
*Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
*Westenra, hn. H. R.
*Westenra, hon. J. C.
White, A.
Wilbraham, G.
Wilde, Mr. Sergeant
Williams, W.
Williams, W. A,
Wood, C.
Wood, Sir M.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Ashley, Lord
Bagge, W.
Baillie, Colonel
Baker, E.
Baring, H. B.
Barrington, Visct.
Bentinck, Lord G.
Blair, J.
Bolling, W.
Broadley, H.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Canning, rt. hn. Sir S.
Cavendish, hn. G. H.
*Chapman, A.
Chute, W. L. W.
*Courtenay, P.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Eastnor, Viscount
Egerton, W. T.
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Goddard, A.
Gordon, hon. Capt.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, F. W.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Henniker, Lord
Herbert, hon. S.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Howard, F. J.
‡Howard, Sir R.
Hurt, F.

Ingestrie, Viscount
*Inglis, Sir R. H.
Irton, S.
Irving, J.
Jermyn, Earl
Kemble, H.
Knatchbull, r. h. Sir E.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lincoln, Earl of
Lockhart, A. M.
Lowther, hon. Col.
Mackenzie, T.
*Mackinnon, W. A.
Mahon, Visct.
Manners, Lord C. S.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Pakington, J. S.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, rt. hn. Sir R.
Pemberton, T.
Perceval, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Round, C. G.
Rushbrooke, Col.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Somerset, Lord G.
Stanley, Lord
Stormont, Visct.
Sturt, H. C.
*Style, Sir C.
Teignmouth, Lord
Thomas, Colonel H.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
*Wall, C. B.
*Walsh, Sir J.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Young, J.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

* Absent on the second division.

† Voted with the Noes on the second division.

‡ Sir R. Howard is the only Member who voted with the Ayes on the second division, and with the Noes on the first.

Report brought up and read. On the question that the Resolution agreed to by the Committee be read a second time,

Sir *R. Peel* moved an amendment to omit such part of the Resolution as pledged the House to supply any deficiency in the revenue occasioned by the reduction of the rate of postage. He did not intend further to discuss the subject, but he asked why should Parliament be called on for a pledge with respect to the obligation of which the proposer of the resolution and one of its chief supporters entertained different opinions? The Chancellor of the Exchequer stated, that he should be prepared to demand the fulfilment of the pledge, if the revenue should be found deficient at the end of next year, while the hon. Member for Bridport thought the experiment ought to be tried for some years before Parliament was called on for a redemption of the pledge.

The *Chancellor of the Exchequer* said, the hon. Member for Bridport might put whatever interpretation he liked on that part of the resolution just referred to; and he thought the right hon. Baronet was not justified in placing in opposition the words of the parties who introduced the present resolution and those of an individual Member of Parliament. The Government proposed the pledge with the distinct understanding that it would be their duty to call for its redemption, whenever a deficiency in the revenue should be found to exist.

Mr. *Wallace* said, that he for one should be ready to give his vote for the purpose of supplying any deficiency which might arise in the revenue.

The House divided on the original question: Ayes 184; Noes 125—Majority 59.

Report agreed to.

HOUSE OF LORDS,

Monday, July 15, 1839.

Minutes.] Bills. Read a first time:—Highways and Turnpike Roads Returns; Gaol Delivery.—Read a second time:—Bankrupts Estates (Scotland); and Supreme Courts (Scotland).

Petitions presented. By Lord Redesdale, from St. Mawes, for a reduction in the rate of Postage.—By the Earl of Harewood, from Bradford, for further protection to the Church.

Education.] Lord *Brougham* said, that in consequence of the great length at which he addressed the House on the former occasion when the subject of education was under the consideration of their Lordships, he should feel induced to make a very short speech in proposing the second reading of the bill, which he had introduced. In the first place he must state, that he, as well as those who took the same part with himself in the discussion on Friday week, must feel disappointed at the result that was then arrived at; but, notwithstanding this feeling of disappointment, he felt disposed to take encouragement in consequence of what he drew from what was said on all hands. It was something very consolatory to himself and to others who had long adopted the same views as himself on the subject, and who had regarded popular education as a matter of great consequence to the well-being of the country, to find, that their opinions were becoming general. He regarded religious instruction with peculiar satisfaction, and he was one of the last to appreciate the vast importance of it when combined with secular instruction. In the outset of this statement, however, he wished to say, that it could only arise from a total want of reflection if any one confounded the present bill with the matter formerly under debate, or supposed that what passed on Friday had anything whatever to do with the substance or body of the present bill. Let noble Lords only recollect what were their objections to the Government plan of education. It was deficient in the means of religious instruction, as some contended; and by others it was urged that the machinery which would be created by the plan would prove detrimental as regarded the ecclesiastical establishments of the country. Nothing of this kind could be urged against the present measure; but if it could, it could not be urged against it in its present stage, for the objection could only apply to the details, and these must be considered when they came to examine them in Committee. Some might think that the present bill went too far in the provision, that it proposed to make for religious instruction, while others might think that it did not go far enough. If any such objections existed as he had first alluded to in the minds of noble Lords, they might be able to get rid of them in Committee by striking out those clauses which it was supposed were open to the objections while, if others thought the measure was open to the second objection, they might easily propose, that provision should be made for an increase. But he believed, that with regard to the general principle it was admitted on all hands, that the means of religious instruction for the people were greatly deficient, and that provision should be made, so that they were increased. The object of the bill which was before the House was to enable the people of this country to obtain religious instruction with more facility than they at present could. But there was a main ground of opposition to the Government plan which formed a ground of objection both to its principles and details, and was a constitutional objection to the very frame work of the resolution on which the plan rested. This was a full justification for carrying the address in opposition to the plan to the foot of the Throne, and vindicated almost all the arguments that were urged against the mode of proceeding, and which required a full and complete answer, and which was strongly pressed on its proposers by the antagonists to the other parts of the plan in the debate of Friday week—namely, that Parliament was not to be consulted with respect to the expenditure of the public money to be voted for this purpose, and that instead of any general measure or act being passed through both Houses, the plan was to be effected and passed by some bye proceeding, and that by the vote of one House of Parliament a certain sum of money was to be placed at the disposal of the Crown for the purposes of education, and that this was to be expended by certain persons named and appointed under a certain Order in Council. It was said, and with considerable force, that this was too important a measure to be passed in this way, and that the stipulations should be made, and that the control should be exercised behind the back of Parliament. This was a fair constitutional ground of objection to take. He fully admitted this, and it was a point which he was obliged to admit, in answer to a right rev. Prelate. He also said, that the 30,000*l.* voted would not give satisfaction in carrying out the plan with effect by these means. This was an irrefragable argument against any extensive plan of national education which was to be adopted and carried out by the Crown without the immediate control of Parliament. The course he pursued now was, to introduce a bill to Parliament which could undergo a strict investigation in that and the other House, and no other means could be resorted to which would afford so much satisfaction as applying the wisdom of both Houses of Parliament to the perfecting a measure for this purpose. The bill had been introduced to their Lordships in the first instance, and he thought, that respect was due in having the measure brought forward before them rather than before the other House. It was possible, that an arrangement might be raised against it as to its having been brought forward at a late period of the Session, as no great measure should be hurried through the Legislature. But he begged them to recollect, that he had introduced it several months ago, and he had left it on their Lordships' Table, that it might be fully investigated, and its bearing and enactments considered. He admitted, that there would be great difficulty in so framing the words of a bill in Committee as to steer completely clear of polemical topics and disquisitions. He felt this strongly, and he could not help saying, that a great portion of the inconvenience and trouble that had arisen was caused, he would not say by a want of toleration, because in these days a spirit of intolerance in any quarter was out of the question, but from a want of a feeling of mutual accommodation on the part of many different sects on the one hand, and on the part of the Church on the other. He thought that blame was justly attributable to both parties for their want of a spirit of accommodation. He had exerted himself on several occasions in making attempts to allay these feelings of jealousy in a matter of so much importance and deep interest to the community generally. Both parties said, they could not sacrifice their conscientious feelings. But these feelings for the most part, seemed to arise from jealousy. Dissenters were as much to blame as churchmen, and he had not hesitated for a moment to state this to a meeting of the Dissenters consisting of from 500 to 600. He considered, as he told them, they were to blame for not taking one step in the nature of conciliation towards having a more enlightened flock. "That the soul be without knowledge is not good;" above all, it is not good for religious purposes. Far from undervaluing religious instruction, if he were asked whether he would have the children of the labouring classes—for it was entirely to these persons and their children that the question related—taught or instructed with or without religion, he should not have the slightest doubt or hesitation in answering, by all means have religious instruction combined with secular instruction. He thought religious instruction the most important of all instruction, and was desirous of assisting in carrying it out to the most utmost extent. But if he was asked, supposing it to be impossible to combine religious instruction, whether he would have secular instruction without it, or that the people should remain in ignorance? he should at once give his answer. Give by all means secular instruction without religious instruction, rather than the people should remain in ignorance. He would even for religious purposes, rather that the people should be educated in that way than that they should remain a mass of brutalized rabble; for the Church and the clergy would have a much better chance with persons of some secular education than with those remaining in a state of mere brutal ignorance. Such was his opinion; but it was not one on which he had acted in this instance, because this Bill made provision for giving religious instruction. He had shown how different this measure was from the proposition that was under discussion ten days ago. He admitted, that notwithstanding the great differences that existed in the minds both of clerical as well as lay persons as to the nature of the education that should be given, it was a matter worthy of rejoicing at, that this important subject of national education engrossed so much of public attention. About thirty years ago it would have been impossible to have got such an assemblage of their Lordships together—unexampled in point of numbers except on one occasion—who took such a deep interest in the debate—who continued till such a late hour in the next morning, and who, at length, divided so numerously—that division being on nothing more nor less than the subject of national education. Thirty years ago the man who should have avowed his belief that he should have lived to see such a state of things as that the fate of the Government should have been dependent on a question of general education, and that there should have been such a debate and such a division in that House on the subject, any such man who made such an avowal would have been reckoned as a mere enthusiast and a visionary, and he and his speech would have been laughed at as chimerical. He gratefully acknowledged with many of his friends this extraordinary change that had taken place, and bestowed for it all praise on the wisdom and goodness of that Power that brings good out of evil. The want of education and the deficiency of the means of popular instruction were almost universally admitted. He did not say universally, because there were some exceptions as to the extent; and on this point he must allude to the erroneous returns which had been put into the hands of the most rev. Prelate respecting the account of the deficiency of education, and as to the extent to which it existed at present. He should be happy to learn that the statement was incorrect as to the amount of popular instruction furnished by the national schools and the British and Foreign Society, and that it was as great as the right rev. Prelate had described it. He had a strong disposition to believe the statement, as to the extent of education, made by the most rev. Prelate; but he feared that he should be too sanguine if he did, and that it would not bear investigation. The Lancasterian Society was established at the end of 1810; and a few months afterwards—namely, in May, 1811—the National School was founded. There was a great similarity in these two institutions: the only difference was, that the one said the catechism must be taught in our schools and in the other not. In larger towns both these schools could exist with great advantage, and there was very little difference between them. In smaller places he thought that the British and Foreign Schools would be better, because they would exclude none, although he admitted that in many places Dissenters sent their children to national schools. It was stated by the most rev. Prelate the other night that the number of children attending the national schools was 1,102,000, and it had been satisfactorily shown that the British and Foreign School Society educated at least the same number. It would therefore appear that in the schools of these two societies there were 2,204,000. If this were the case, this country was the best educated people in Europe, for in addition to the number he had just stated there were at least 800,000 children attending other schools, both of a public and private nature. Taking these numbers together, they would have one-fifth of the whole population of the country attending school, which, as was very truly said the other night by his noble Friend the President of the Council, would be considerably more children than were to be found in England and Wales. It was clear that 2,200,000 could not be taught at the schools of these two societies, as could be easily shown from the Parliamentary returns. These returns had been moved for by a noble, learned, most distinguished, and pure-minded Friend of his, upon whose memory and great merits he should not have been able to restrain himself from passing some encomium, were it not that he was aware that he was in the presence of those to whom any allusions on the subject must occasion painful feelings. But the returns to which he alluded were moved for by his late noble Friend (Lord Kerry), and they were prepared by the ministers and churchwardens of every parish in England and Wales. The result was, that 1,270,000 children were educated in every kind of school in the country, including Westminster, Winchester, and Eton, as well as the national and other schools. This included the schools for the rich as well as for the poor, and also all those numerous schools for the middle classes. This was, then, a return of the number educated in all the schools in England. If, according to the most rev. Prelate, the national schools educated 1,100,000, they would leave to the British and Foreign Society no children at all to educate; therefore it was utterly impossible that the returns furnished could be correct. If they took the number of children in the national schools at 1,100,000, and the same number for the British and Foreign Schools, and 800,000 for all other schools, they would have a return of the children now under education about three times as much as the returns made on the motion of Lord Kerry from the ministers and churchwardens of every parish in England and Wales showed attended all the schools in the country. They had also other returns on the subject to which they could refer, which would confirm this view of the case. By returns made in 1818, it appeared that the whole amount of children educated in schools in England was 678,000. At the same period, however, the number educated in the schools of Bell and Lancaster was 150,000—another proof that the calculation in question could not be right, as it went to show, that they had multiplied twenty-four in twenty years, a pace which would be almost miraculous, and which, with all his good wishes to education, he could not allow to be probable. The simple truth was, that instead of there being education for one-fifth of the children of the country, there was not education for one-tenth or one-eleventh. But the deficiency in the quantity of the education was not the least defect in the present state of things. If we had less in quantity of education than France, Prussia, Central Germany, Holland, and the Protestant cantons of Switzerland, still, if the education given was good in quality—anything worthy of the name—he would be slow to move for any legislative measure on the subject of education; but he felt bound to say, that the quality of instruction at present afforded in this country was very inferior. That he might not be suspected of exaggeration, he would quote the statements of the hon. Member for Shrewsbury on the subject of the education given at the schools in Manchester and its immediate neighbourhood. The hon. Gentleman had himself quoted from the published papers of the Statistical Society of Manchester, who had looked to, not merely the holiday appearance of the schools, but had gone into them, and examined the pupils and the conductors of the schools also. It appeared, from their statement, that $49\frac{1}{2}$ per cent. of the boys of Manchester could not read at all, and 67 per cent. could not write their names, and these were all children above fourteen years of age, above, therefore, the factory age, and consequently beyond the operation of that Act. Of the girls 57 per cent. could not read, and 88 per cent. could not write their names. The rooms were dark, small, damp, dirty and ill ventilated, many of them used for dormitories as well as schools, and in almost all cases inadequate in point of size. One instance was mentioned in which the size of the room was only ten feet nine, up two pair of stairs, and not less than forty-seven children were contained in it, and the little window, which alone lighted this apartment, was obstructed by the person of the schoolmaster, that being the only part of the room in which he could perform his duty. A great many of these day-schools were conducted without any attempt at order or system, and nine-tenths of the children received no instruction whatever that was worthy of the name. The greater number of the instructors were persons utterly unfit for the performance of the duty, and many of them had merely adopted the profession in despair of obtaining any other mode of livelihood. Some of these individuals were examined. One of them, after giving a series of off-hand answers as to the nature of his instruction, was asked whether he knew geography and the globes. His answer was, that he knew geography and both the globes, and when asked for an explanation, he answered, that he knew that one of the globes meant one part of the world, and the other the other. Another was asked whether he understood Greek? Yes. Geography? Yes. Latin? Yes. Then one of the examiners observed, "Aye, we have *multum in parvo* here," upon which the teacher, seeing the notes of his answers were being taken, added, "yes, and you may put down *multum in parvo* too." In one of the girls' schools, the teacher being asked how she taught religion to children of different persuasions, replied, that she kept both catechisms going at the same time. In another place a teacher was asked, whether proper attention was paid to the morals of the boys under his care, when his answer was, that they did not teach morals there, as they belonged to the girls' school. Such were the statements quoted by Mr. Slaney, and upon them he could not help remarking in the words of a noble Lord, a Member of that House, that although such anecdotes might be very amusing, they, at the same time, exhibited a most melancholy picture of the state of things in this country as regarded education. In justice to the two societies, he must say, that his observations did not attach to their schools; but, unfortunately, the number of schools where the children were taught in comfortable apartments, and by competent teachers, was unfortunately very small, even in connection with the societies, for when the right rev. Prelate spoke of the 11,000 schools, he, no doubt, referred to the schools "in connection" with those societies. The next question, after having ascertained the existence of a want of education, was how to supply the deficiency, and with a view to this he would venture to lay down a few principles which he conceived were essential, and which formed the foundation of this bill. The first principle he would endeavour to lay down was, that all education must be voluntary. He did more than repudiate, he abjured and abominated, all plans for compulsory education. He was aware of the offence he gave to many worthy and excellent fellow-labourers of his, who, blinded by their honest zeal and enthusiasm for the cause of popular education, closed their eyes to the totally irreconcileable difference in government, manners, customs, and institutions between the people of this country and those of Prussia—a people who were drilled as if they were in a camp, and considerably more like regular troops than the inhabitants of a free country. He objected to all such institutions, and could no more approve of them than he could approve of other regulations of that country, under which a friend of his was prevented from leaving Prussia, because he could not get an apothecary to make up a prescription of Sir Henry Halford, until countersigned by a Prussian Physician, who, in his turn, would not sign unless it were previously signed by another physician. Against any attempt to force education on the people of England, he would only give one reason—that he was quite sure that if the people of England was now for education, the effect of such an attempt would be to make them against it. The next principle which he proposed to lay down was, that there should be no attempt to ensure the universal adoption of any one kind of schooling or mode of instruction, because in different places different sorts of instruction were required. For instance, one kind of instruction was required in the manufacturing districts and another in the agricultural. In one part of the country one set of rules was required, and in another part of the country another. The third principle might be said to govern the other two. It was that all those who contributed towards the expenses of the schools should have a considerable share in their management. It was as a friend of education that he proposed the adoption of the rule, satisfied, at he was, that if a school were opened in a parish, the inhabitants not being called upon to pay a farthing towards its support, such a school would not be willingly attended. One of the great uses of the voluntary system in education was to induce persons to send their children to the schools, which they would not do if the management of the schools were taken out of their hands by the Government. What he proposed, therefore, was, that under due control and check on the part of the Government, those who contributed to the support of the schools should have share in the management of them. The effect of this would be that not only would they send their own children to the schools, but the children of their poor neighbours also. The fourth provision was, the organization of a central board, which under due restrictions should have the check and control over the local management of the rate-payers. The fifth and sixth principle was, that the central board was useful, not only in controlling and superintending, under due restrictions, the local boards in their management of the schools, but also in maintaining communication between the Church or the Government (as might be provided) and the schools; and, above all, in collecting from all parts the lights and improvements which experience would produce, and diffusing them generally throughout the country. A fundamental principle of the bill was this—that without compelling any parish or place to have a school where a school was not wanted, yet due facilities should in all cases be given to the establishment of schools. For this purpose, he proposed to give power to summon a meeting of the rate-payers, a majority of whom were to have the right to communicate with the Central Board of Education, for the purpose of establishing the school. He would now describe the constitution of the proposed Central Board. He proposed that there should be on the board two great officers of state, who would, of course, be responsible to Parliament, and removeable by Parliament; and also three irremoveable commissioners to be appointed by the Crown, or by statute, as might be hereafter decided, but only removable by address of the two Houses of Parliament. Thus a communication would be established between the executive Government and the board by whom the money was to be spent, a provision which would be enforced by this additional one—that no act of the board involving the payment of money should be valid unless agreed to by a majority, one of them to be a Minister of the Crown. He would apply the same principle to the distribution of school patronage, the appointment of school inspectors, secretaries, or clerks, in all which instances he conceived the same constitutional principles should prevail, of not vesting such powers in irremoveable commissioners. The first duty of the board so established would be to distribute the Parliamentary grants. At present the distribution was discretionary on the part of the Government. They had hitherto chosen to give them in proportion to the two societies, but there was nothing to have prevented them from giving all to either of them. He would much rather see so very important a function as this vested in a body subjected to the veto of the Minister, at the same time that the Minister could not exercise that function without the assent of a majority of the board. Another important function of the board would be the discretionary power vested in them of sometimes controlling the decisions of the local rate-payers. It sometimes might happen (as it often did in local affairs) that the majority of rate-payers might, for mere jobbing purposes, agree on the necessity of a school. In such a case, the board would exercise the power of protecting the minority, and the others would still have the option of establishing a voluntary school of their own. The board would also have the power to name the inspectors, whose functions should extend to all schools that might choose to put themselves in connection with the public; to all schools maintained by rates; and to all that were extended out of the funds. Two parts of the subject he had reserved to the conclusion—the religious instruction to be given—the schools and the qualification of the voters at the local meetings for the institution of schools. With regard to the first, it was a great question with those who were friendly to education whether any religious instruction at all should have been combined in this bill. Some were of opinion that as the subject was sure to be raised, it had better at once be raised by the bill itself; while others thought it had better be raised in the course of the debate. On the other hand many zealous friends of education, and some of them most pious men, were of opinion that it would be quite easy to keep secular instruction quite apart from religion, just as religion was now kept apart from secular education. He was of opinion, however, that the absence of instruction in the Bible would totally preclude clergymen and other religious instructors from teaching religion, and he thought that they must ultimately resolve that religious instruction must be given under the provisions of this Act. He had had the honour a short time ago of meeting forty or fifty individuals, who had come to town chiefly on account of a very important question which then agitated the public mind, and in which he had taken very great interest—he meant the termination of negro slavery, and they having also paid considerable attention to the subject of education in obedience to a request which he made, held a conference with him in reference to it. He did not mean to say that it was not without preparation, for they had communications together, by means of which each was able to ascertain the opinions of the others; but at the conference he had a good opportunity of hearing what were the prevailing opinions among them. He confessed that the one question which they wished more particularly to discuss among them was that of mixing religious with secular instruction. There were many of them members of the Established Church—many of them members of the Society of Friends, and of various dissenting congregations; but among them all he found that there was one only who had any doubt at all as to the propriety of making some provision for religious instruction. He had had very great doubts upon that point himself, and he had often stated the grounds of those doubts; but he could not deny the impropriety of giving any weight to those doubts, and he at once admitted the force of the reasoning employed, because it was quite true that, if a system of secular education only were adopted, teachers of religion must be employed, as well as those instructors who were ordinarily engaged, and that would be too much for the child of the poor man. He proposed, therefore, that this measure should provide that it should not be lawful for the board to sanction the establishment of any school in which it was not part and parcel of the regulations, that the scriptures—the authorised version of the Scriptures—should be taught: then if a Catholic should not choose that his child should be in the school where the authorized version of the scriptures was read, he might withdraw him at that time, but unless he signified his wish, in writing, to that effect, the child would not be removed. The same regulation would also be adopted in the case of the Jews, so that no hardship could be complained of. In speaking of this last class, he could not help saying that he had never met with more zealous co-operation or more liberal and munificent aid for the purpose of Christian education than from the Jews, and that whenever in such a cause pecuniary assistance was required, the largest sums had been subscribed by them. He now came to another question. He proposed that if any school the local directors, being members of any sect should chose to lay down as part of their rules that the catechism, the liturgy, and the articles of the church should be taught, the board should be allowed to sanction the establishment of that school, provision being made in the cases of children, not members of the Established Church, analogous to those to which he had just alluded, and the schools being established under the same restrictions. Having thus stated the grounds of his motion, he begged to state that so great was his desire to attain the great object of education, and so important did he consider that object for the religious and the moral welfare and for the spiritual good of the public, that, if he could not get religious instruction to be included in his scheme, he should say by all means take the secular branches of knowledge. The people will then be all the better prepared to receive religious instruction hereafter. But he should add then, that if he could not get them secular instruction, unless coupled with such religious information as he should disapprove, he should say—and he had come to the conclusion after infinite discussion and mature deliberation—that although he should lament that it was so, and he wished it was otherwise, and might have the greatest possible desire to see a different kind given—yet, so great was his alarm, and so great was his fear of the bad consequences to the morality and the peace of society likely to be produced by the continuance of the prevailing ignorance, that he should much rather have them taught a creed which he disapproved than not taught at all. That opinion was founded upon a very high authority. It was from Scotland, from a Presbyterian, and it was from one of those who objected to the Roman Catholics, and who had proverbially an almost hereditary dislike to that religion. He himself was as much opposed as any man to all sectarian and exclusive principles; but there was nothing which he so much desired to see removed as ignorance. He would now say a few words upon the subject of the qualification, but he would first add a word in reference to that which was the most important of all plans of education, because it went at once to the amount of crime in the country, and to the whole administration of criminal justice—he meant infant education. He verily believed from experience that though the law might be executed, the good of preventing crimes by the force of example was lamentably less than they could wish. It was from the bad passions of men that the evils arose, but let the principle, "Train up a child in the way he should go," be adopted, and then when the child should become a man, if they had instilled into his mind a regard for truth, and kindly feelings towards his fellow-creatures, avoiding everything low or detestable, keeping them out of the contamination of their families, if they happened to be persons of low habits, and keeping them in a moral atmosphere, and making their minds hospitable to better feelings, then he should hope that as much had been done as the frail nature of man could do towards eradicating the evil. He would now observe upon the subject of the qualification, which he knew had staggered many, and for which certainly he must admit, that he did not feel the usual partiality of a projector. The persons to whom he proposed to give the power of voting at school meetings were those who had been members for three years of a Mechanics' Institute; and he would go a little farther, and say, that the right of voting at the choice of the school committee should also extend to every person who should possess the certificate of a schoolmaster of his due attendance at any of the public schools. The plan and principle of the bill, and the only principle, which would be affirmed by giving it a second reading, would be this, that a Central Board should be established for the purpose of directing public education, and that public education, as superintended, should be further established by the joint consent of the Central Board and of the local authority. The subject was of the greatest importance, and as he had never grudged his attention to the subject, he hoped that the House would not hesitate also to give it that consideration which was due to it

The Bishop of *Chichester* presented himself early to the notice of the House, not from any vain persuasion that what he had to say was calculated to give that degree of light and interest to the important subject before them, which their Lordships had a right to expect from those who put themselves voluntarily forward in front of the debate, for he was far too conscious of his own deficiencies for such a thought; still less from any ill-advised eagerness to contend with the noble and learned Lord, whose exertions in the cause of education he had long admired; but because, having been unable to deliver his opinion on a former debate on the same subject, when he had the misfortune to differ from the most rev. Prelate, to whom he owed, and towards whom he was desirous to cultivate, all canonical obedience, he was anxious to profit by the present occasion for the same purpose, and the more, because the noble and learned Lord had alluded to the discrepancy on the right rev. Bench. He trusted, therefore, that before he applied himself to the scheme of education propounded to the House by the noble Lord, he should be pardoned for offering a few remarks which, while they might serve to throw light upon the grounds of his former vote, would acquit him of any inconsistency in now opposing, as he intended to do, the motion of the noble and learned Lord. He dissented upon that occasion from the motion of the most rev. Prelate, and of the right rev. Prelate who presides over this diocese, not because he differed materially in opinion respecting the great principle of national education, for he agreed cordially in much that fell from both, but because he could not honestly and conscientiously bring his mind to the conclusion to which they had come, and expressed in the resolutions submitted to the House only a few hours before the members were called upon to decide upon them. He could not think that there was that difference either as to responsibility or regulation between the new authority and the old, appointed for the distribution of the Government grant, which should authorise the extraordinary measure of an address to the Queen, and justify those who approved of the regulations for so many years in disapproving and condemning the minutes of the new Committee. On the contrary, he felt that in some respects, the alterations suggested in the minutes of the Committee constituted a ground of preference in its favour. That a Committee of the Privy Council, with the Lord Treasurer at its head, and the Chancellor of the Exchequer at his side, was quite as responsible as the Chancellor of the Exchequer alone; and that a power to deviate occasionally from the stoical regulations respecting local subscriptions for the purpose of assisting destitute parishes, was a truly Christian improvement, and one which he had recommended in a charge to his own clergy; and that the appointment of government inspectors, not for the purpose of regulating or interfering with the instruction, but to satisfy the Government that the money raised from the people had been spent for the advantage of the people with respect to those matters for which it was granted—these were differences which he approved; and whereas the resolutions affirm that there was no assurance on the part of the Government that the plan of model schools proposed in their former minutes, and which had been abandoned, should not be resumed at their own discretion, he felt and believed, that there was an assurance of the very strongest kind—an assurance partly derived from the circumstances themselves—namely, the inadequacy of the sum left at their disposal, the largest portion of it having been already distinctly assigned to other objects: the limitation by Parliament of the grant to a single year, in consequence of the necessity of applying at that period for a renewal of their powers;—above all, in the declaration of the noble Marquess the President of the Council, and in the character and honour of the persons appointed to manage the grant, he felt an invincible assurance that no unfair advantage would be had recourse to, to renew, but in the most open manner, what they had professed for a time to abandon. He trusted that this explanation would suffice to acquit him of all inconsistency in the motion he was about to make. The noble and learned Lord had declared in his speech that the two questions were distinct; and in justice to his own (the Bishop of Chichester's) feelings, he might now add, that in all substantial points there was little difference betwixt his own opinion and that of the great majority on the right rev. Bench. They were at this moment all labouring together in the great cause of popular education collectively in the National Society, and separately in their several dioceses, and through the powerful and zealous agency of the parochial clergy. And they were not without a well-grounded hope, that they should be able, by great and united efforts, to establish throughout the country an harmonious system of national education, which, while it was founded upon the basis of Christian instruction, according to the principles of the Established Church, would be so extended and improved in all secular subjects, as to satisfy the most sanguine friends of popular education; and when known to the noble and learned Lord, would induce him to withdraw the plan which he had proposed to them, and which he himself could only hope to carry upon the ground of some deficiency in the present means. The bill of the noble Lord proposed a scheme for the education of the people in a country earnest, intelligent, and humanly speaking, religious above their neighbours, living satisfied for the most part under the spiritual superintendence of the ministers of an Established religion, the doctrines of which they approved, and the benefits of which they were desirous of transmitting to their posterity. For which purpose they were well aware that the education of the people was an important means, widely diffused and long practised throughout the country. For this people a scheme of education was proposed which had this remarkable defect, that it had no reference whatever to that established Church, or to any of its offices or ministrations hitherto held to be so influential in this department of instruction. He had read the bill with great attention, but he could not find in any of its clauses the word clergyman expressed or implied, or any other reference whatsoever to the office which he bore; no more, in truth, than if there had been no established religion in the country. This was the first great objection; but looking further into the bill it would be seen, that every part of the minutes of the committee of the Privy Council, which had been lately the subject of animadversion in the House, would be found in the learned Lord's bill, but carried to a far greater extent, and without any of those limitations and restrictions, which served to reconcile the minutes of the committee to his mind. For instance, the committee of the Privy Council had been condemned, because it consisted of lay members of the Privy Council only, without any of the bishops—though it was constituted solely for the distribution and management of the Government grant, and did not pretend to regulate the quality and matter of the instruction. But the scheme of the noble Lord set out with the establishment of a commission much more comprehensive in its aims—to be intrusted with the management of much larger funds, and with authority to consider and control all matters relating to the education of the people, and having three paid commissioners, only removable by a vote of Parliament. But this was not all. While the committee of the Privy Council left the schools in villages and towns to the superintendence of the clergy, the scheme of the noble Lord aimed at establishing in every parish and every town a committee, with power to manage the schools and to make rates for their maintenance. And then, let it be considered of what this committee might consist. He would not say, that such a case might occur frequently, for the good sense of the country would prevent it, but there might be many approximations to it; for as the rate-payers were to elect, the chairman might be the shopkeeper or clerk of the parish, and the clergyman might sit as one of the committee. Surely such a change as this in country parishes could never be tolerated. Again, it was objected to the committee of the Council that they retained the right of inspection; though, as explained by the noble Marquess, this matter was restricted to those matters for which the money was granted. But the inspectors of the noble and learned Lord, ten in number, were to have power to take under their examination and review the whole state, condition and conducting of all the schools connected with them, and, indeed, of many others that were not so, and to report upon them; and the commissioners upon such report were to give opinion and advice touching the conducting of the same. And whereas it was imputed to the Government that they had intended to establish one model school for the advantage of all classes of her Majesty's subjects, of all persuasions in religion, a scheme which they afterwards abandoned on account of the difficulties which surrounded it, the plan of the noble Lord contemplated the establishment of schools for mixed education through the whole country, and proposed at once that indefinite extension of the scheme, the distant possibility of which was regarded with alarm by the supporters of the Address. It was not, however, necessary for him to dwell longer upon objections which would better appear in committee, should the bill ever reach that stage; he would rather apply himself to the only grounds upon which such a strong measure as the noble Lord's could be fairly advocated—the alleged inadequacy of the present means of education in the country — namely, the National Society, as the great centre of communication and direction, the schools in union with it, and the clergy who were the supporters as well as the superintendents of popular instruction throughout the country. With respect to the National Society, he was disposed to think, that the noble and learned Lord had greatly underrated the numbers that were educated under its influence, and that the returns furnished to the committee were, in point of fact, much nearer to the truth. There might possibly be some error in combining Sunday-schools with day-schools—the same children being sometimes liable to be reckoned over twice. But this error was not common, and great pains had been taken to prevent it, as he well knew; and he himself had instituted inquiries in his own diocese, and had reason to believe, that the reports of the society were correct. He could not doubt, indeed, that the number of children now receiving education under the auspices of the society now at least amounted to nearly a million; and he had reason to know that many schools, whose teaching was in perfect conformity with the National Society, were not now reckoned in the number, because not actually and technically in union. But whatever deficiencies might be supposed to exist, he had now the pleasure to state, that they were in a way to be removed. Great accessions of numbers and of force were daily made to the society. New measures were taking for extending and improving the education; diocesan and local boards for education were forming or already formed in every part of the country; a college was already in preparation for the more effectual training of masters, and for a model school, and a most liberal salary of 400*l.* a-year and a house were offered to the person who should be thought qualified to undertake the important task of superintending its management. He would next pass on to the consideration of the clergy themselves, and the assistance which they had hitherto given and were still disposed to give in the furtherance of education. The noble and learned Lord had argued more largely, indeed, on a former night, but shortly on the present, that the clergy of our Establishment, occupied as they were or ought to be, in labours of a purely ministerial character in compositions for the pulpit, in pastoral visits, and in all those subsidiary cares and studies which served to adorn or to commend their lessons, had not sufficient time to instruct the children of the parish even in religious knowledge, much less in those secular acquirements which the times required. He was convinced that the clergy of this country would at once disown this plea, and repudiate the leisure they] might obtain by it. If the case should ever come to this—if the whole burden of educating the poor should be thrown upon them—they would be ready to spend themselves, and to be spent, in such a cause; and rather than deliver to others a charge which their divine Master solemnly committed to his apostles, and which had been transmitted by direct succession to themselves, they would still gird themselves for the task, and persevere even to their own injury. But how stood the fact? Were the clergy of the Church expected to be schoolmasters? Were they required practically to teach even the spiritual, much less the secular lessons given in the school? To watch over the whole progress of the scholars and to administer the punishments and rewards? If this were the case, of what use would be the schoolmaster, and why should we now unite in the cry of the noble and learned Lord, for better masters and new training schools? No; what was required from the clergy was this—to be the alone superintendents of the christian doctrines and lessons taught in the schools; to select the books; to visit frequently the classes; to try and examine the children, especially in their catechism and religious progress; to council and to aid the masters. This was all that they were charged to do; this was what they were willing and what they were able to do; and they could do it in their daily walks with little sacrifice of time. But there was another fact corroborative of the sufficiency which had been stated, and which he would not refrain from bringing before the House; a fact so creditable to the clergy, so conclusive upon the point before them, and so instructive of our present moral state. There was no person acquainted with the actual effects of the Poor-law Amendment Act but must have observed—and he wished it might not furnish another arrow to the quiver of the noble Lord—that it compelled the parents to take their children from the parish schools at an earlier age than they were wont to do before; and for this reason, that, to guard even for their present independent support, much more to provide against the future, it was absolutely necessary that the poor man should bring to market the labour of his children as well as his own, from the moment that any value was attached to it. The earliest period, therefore, that a parent could profit by the labour of a child, that period put an end to his instruction at the day-school; and this happened often at so early an age that all the previous instruction was in danger of being entirely lost. But let it be remarked how the ingenious zeal of the clergy had endeavoured to supply this defect. Already evening schools have been established in many parts of the diocese of Chichester, for the express purpose of continuing and supporting instruction, both religious and secular, till they could arrive at an age when education would be no longer necessary. He trusted therefore, that there was no good ground for believing that the clergy had not sufficient leisure for this task; and when it was considered, further, what a beautiful provision was made in this early intercourse in the school for a confidential spiritual communion between the clergyman and his flock, of what great advantage it might become in every season and circumstance of their lives, more especially in preparations for confirmation and the holy communion, the friends of the Church would surely be desirous to pause before they adopted any plan which should be the means of removing the clergy from that superintendence in the schools which was now practically committed to them. The noble and learned Lord had already pointed out the great distinction between the inhabitants of this free country and those of Prussia, with respect to the arbitrary regulations of the government; and if he would extend his enlightened views a little further he could not, he thought, fail to perceive that for a similar reason every scheme of education that, in the present state of the public mind, should embrace all sects and persuasions of religion as did that of the noble and learned Lord, was impracticable. They were not indifferent enough nor cold enough for such an experiment, and there was one striking dissimilarity between England and Nassau and Prussia which would prevent the same general education from being practicable here, namely that in this country there was much greater zeal and earnestness connected with religion and religious opinions than in any part. This was not said boastfully; it might appertain in some measure to our national character and only showed a tenacity and earnestness which had appeared in our history before; but so long as this difference did exist, so long would it be impossible to educate the children of all persuasions of religion together, supposing every other objection to be removed, without pain, jealousy, and heartburnings. Under these impressions he was desirous to move, what he wished at least to be the most respectful mode of opposing the plan of the noble Lord, that the bill should be read this day six months.

Viscount *Melbourne* said, that in all the discussions upon this question it had been stated, and generally admitted, that some more extended system of education was necessary, in consequence of the increasing population, and the increasing intelligence of this country. His noble and learned Friend had certainly brought forward his bill in a clear, an able, a distinct, and a comprehensive manner, he had unquestionably stated grounds for this measure, he had well shewn the objects he had in view, and the means by which, as he conceived, they could be effected. His noble and learned Friend had also stated, that all he meant to establish by the second reading of this bill was, that a system of education should be founded, and that there should be such a general control as would give an improved system of education to the people of this country; and that the details of the measure, and the objections which might be taken to it, were open to consideration in Committee. With respect to the constitution of the board, and all other matters of detail, such as the qualification for voting, they were open to alteration in Committee. Concurring in the object of the bill, and in much of the argument of his noble and learned Friend, on which he had founded this motion, he unquestionably, if the motion were pressed to a division, did not see how he could refuse to enter into a consideration of the subject, when, by universal agreement, and by the common voice of all mankind, the present system required speedy and effectual alteration. When, however, he considered the objections which might be taken to this bill, and when he considered the period of the Session, he saw little probability of a successful termination of his noble Friend's labours, or that the bill could pass into a law during the present Session. He would, therefore, put it to his noble and learned Friend, whether it would not be wise and prudent, whether it would not be consistent with his honour, and better further the object he had in view, by withdrawing the bill in the present Session, and bring it forward in an early part of another Session, with such alterations, as with his great knowledge of the subject, and his great ability, might suggest themselves to him.

Lord *Brougham* said, that he and his noble Friends were agreed as to the principle, and he could not help feeling the force of what his noble Friend had said, when he recollected that this was the 15th of July. His only objection to a delay, without pressing his motion to a division, was that it might look like neglect on his part, and even if he did divide with a small number, the minority would, he was sure, increase; he should not be disconcerted, even if there were but small additions at first, for he knew that he was right, and he was sure that the more his plan was discussed, the more converts it would gain. Still, at that period of the Session, he thought it better to withdraw the bill, declaring, at the same time, that he was not to be prevented from pressing it next Session, and at an early period of the Session, if he should think it necessary. He was gratified by what had been stated by the right rev. Prelate, for if that was all that could be said against his plan, he looked to early and eminent success. He certainly would withdraw his bill altogether, if he thought that it would have the effect of checking the useful exertions of the clergy, in the cause of education. The only injury this bill could be to the exertions of the clergy was, that it would plant schools where there were no schools in connection with the Church. But the use of his central board would be, to prevent the planting of schools where there were efficient schools at present. He knew by experience, the great and regular calls on the incomes of the right rev. Prelates for many purposes, which greatly reduced their nominal incomes; but he was glad to find that, notwithstanding this, they were giving large subscriptions for education. God prosper their work! The clergy had been his fellow-labourers in the cause of education for the last twenty years; he had borne testimony to their labours in the House of Commons, and the right rev. Prelate (the Bishop of London) had kindly drawn attention to his remarks. To them he adhered. But suppose the clergy should succeed in raising 100,000*l.*, what would be the use of that amount compared with the 200,000*l.*, or 300,000*l.* a-year which the board could raise? As to what the right rev. Prelate had said on the subject of an ecclesiastical member of the board, there was nothing in his bill which prevented a prelate from being one of the commissioners nominated by the Crown; but by putting a prelate on the board, they would be raising the question, whether a dissenting clergyman ought not to be there also. [The Marquess of *Lansdowne*—"That was the difficulty."] He thought that it might be found advisable to adopt the rule laid down for the poor-law boards in Ireland, of allowing neither a clergyman of the Established Church, nor a dissenting clergyman to sit on the board; but it was not necessary to discuss that point at present. As, however, the churchmen and the dissenters were all agreed that something must be done to better the present system of education, these amicable dispositions would have the effect of smoothing the difficulties, and he hoped that before long the time would come when the present difficulties would be removed, and when the wish of all would be carried into effect.

Motion and amendment withdrawn.

HOUSE OF COMMONS,

Monday, July 15, 1839.

MINUTES.] Bills. Read a first time:—Unlawful Oaths (Ireland); Highways (No. 2).—Read a second time:—Slave Trade (Portugal).—Read a third time:—Soap Duties Drawback; and Indemnity.

Petitions presented. By Mr. W. Roche, from Limerick, in favour of the Corporations (Ireland) Bill.—By Mr. Hawes, from Lambeth, against the Poor-law Commission Continuance and Collection of Rates Bill.—By the Solicitor-General, from Falmouth, for a Uniform Penny Postage.

LONDON POLICE.—RIDERS TO BILLS.] Mr. *F. Maule* moved the third reading of the London City Police Bill, and brought up some clauses to be added, by way of rider, to the Bill.

On the last clause being brought up, Sir *G. Clerk*, said, that as this was the last of the numerous clauses which had been added by way of rider to this bill, he must protest against this unparalleled mode of legislation. He thought if the journals of the House were searched from the earliest period, no instance could be found of clauses, to the number of thirty or forty, many of them penal, being added to a bill in this its last stage. It was true that these clauses were merely a transcript of clauses which had been introduced into the Metropolitan Police Bill, but still this was a most irregular mode of proceeding, and one which, if not guarded might be drawn into a very inconvenient precedent. The better course would have been to have adopted the mode of proceeding followed with regard to the local small debts courts' bills, which were all withdrawn, and new bills introduced containing all the clauses and provisions approved of by the select committee on the General County Courts Bill. In the same manner in this case, the more regular course would have been that this bill should have been withdrawn, and the corporation of the city of London directed to bring in a new bill, embodying all these clauses, instead of their having now been hurried through all the three stages at once. He repeated, that he did not object to those clauses being brought up, because they were mere transcripts, as he had already said, of the clauses of the Metropolitan Police Bill, but he thought it would be necessary that the Speaker should make an entry on the journals, stating the peculiar grounds on which this course had been adopted, in order that it might not be drawn into an inconvenient precedent.

Mr. *F. Maule* gave the hon. Baronet full credit for a laudable desire to maintain regularity, but he thought the hon. Baronet, if he really was so anxious about the matter, might before this course was taken, have suggested that the bill should be withdrawn, and a new bill introduced. The hon. Baronet would, perhaps, remember that the object of these clauses was to establish uniformity in the police regulations both in the city of London and the east and west ends of the town, and that clauses identically the same as those now proposed had been fully discussed in committee on the Metropolitan Police Bill. He was sorry if the proceeding had been at all inconvenient to the House, but he did not think it would be worth while to make an entry on the journals, as had been suggested.

Mr. *Hume* would be glad to know if what had now been done was contrary to the rules of the House, because, if not, these was no necessity for any entry on the journals? He apprehended that it was only on extraordinary occasions that such a course as the present was taken, and then only at the discretion of the House.

Sir *G. Clerk* was only afraid this proceeding might be drawn into a precedent, and therefore he had thought it necessary that a note should be appended to the journals, stating the circumstances of these clauses being mere transcripts of the clauses in the Metropolitan Police Bill, and introduced for the sake of establishing uniformity.

Mr. *Hume* said, the only course was for the hon. Baronet to move a resolution to that effect. If the House had a discretion in these cases, he did not see there were any grounds to find fault.

Clauses added.

On the question that the Bill do pass,

Mr. *Patteson* moved an amendment to the effect of giving to the mayor, aldermen, and commons, in common council assembled, power of suspending the chief commissioner if they thought fit, that power being confined by the clause, as it stood, to the Court of Lord Mayor and Aldermen.

Sir *J. Graham* admitted, that the subject to which the Hon. Member adverted was an important one, but observed, that it had been fully considered and discussed in the committee up stairs. The committee agreed that popular influence should have its effect in the appointment of a commissioner, and therefore left the power of nomination in the Lord Mayor, Aldermen, and Common Council; but with respect to dismissal, they thought that that power should either remain in the Crown, or be placed in the hands of the Lord Mayor and Court of Aldermen. The committee finally agree, though by a small majority certainly, to confer the power of dismissal on the Lord Mayor and Aldermen, and they arrived at this conclusion because they were aware that the commissioner would have unpopular duties to discharge, and that, therefore, it would be unfair to render the retention of office contingent on the will of a popular body such as the Common Council. He concurred in this view, and had heard nothing to induce him to alter the opinion which he had formed.

Lord *J. Russell* said, that, without very strong reasons for it, he could not consent to alter the proposition which the committee had adopted. It was no doubt right that the Common Council should have a voice in the selection of the commissioners, but he at the same time thought they would not be a fit body to discuss the question of removal. He felt it to be his duty, therefore, to abide by the recommendation which the committee had given.

Mr. *Williams* said, the citizens of London had been most unjustly treated by the course pursued with respect to this bill, for they had been led to believe, that they were exempted from the harsh and tyrannical provisions of the Metropolitan Police Bill, whereas the city Police was now placed precisely on the footing of the Metropolitan Police. It was most anomalous that one party should be allowed to appoint and another to dismiss an officer of so much importance. He trusted the power of dismissal would be virtually, ere long, placed in the Crown. If the noble Lord would prove, that the Court of Aldermen was not one of the most corrupt Courts that ever existed, then he would agree to the course proposed by the noble Lord. At present he would support the motion of his hon. Friend.

Mr. *F. Maule* denied, that the City had been unfairly dealt with by the present Act. He trusted, after all the consideration the subject had undergone, that his hon. Friend would not press his amendment.

Amendment withdrawn.

Original question again put.

Mr. *Mackinnon* moved as an amendment to the clause, disqualifying the City Police Commissioner from sitting in Parliament, that the following words be inserted in the seventh clause, at the end of the words, "House of Commons," "for the city of London, or for any city or borough within the metropolitan district." He considered that the clause, as it at present stood, must have been inserted in the bill by mistake. It was perfectly anomalous to insert a clause of general disqualification into a private bill—it was copied from the Metropolitan Police Bill, which was a general bill, and therefore was properly introduced there, but could not be with propriety introduced into a private bill. The Police Commissioners, under that Act, were appointed by the Crown, and were removable by the Crown, and therefore they were properly disqualified from sitting in Parliament. But, in this case, the individual was appointed by the City of London, and was removable only by an address of the City of London. He had heard that this clause had been intended against one individual, but, as he generally voted in opposition to that individual, he could not be supposed to have any private feeling on the question, but he objected to the clause as it stood, on principle. His amendment would prevent the individual from sitting for any of the metropolitan districts, including the borough of Southwark, because it might be supposed, from his official situation, such an individual might have undue influence in those districts. It was a complete anomaly, and if the right hon. Gentleman could show him any instance of a general disqualification being introduced into a private bill, he would withdraw his amendment; otherwise, he should press it, and take the sense of the House on the subject, as it might establish an inconvenient and dangerous precedent.

Mr. *Williams* seconded the amendment. He did not see why the Commissioner should be prohibited from sitting in Parliament any more than the Recorder, the Common Sergeant, or the Lord Mayor. The citizens of London wished to put the police force under a gentleman with whom they had been connected for many years, and in whom they had great confidence— that Gentleman was the hon. Member for Southwark, and his belief was, that this clause was directed against that hon. Member. He, therefore, opposed the clause.

Mr. *F. Maule* could not agree to any alteration in the clause. The hon. Member who had last spoken had placed him in rather a delicate position by the insinuation he had made, but he could positively state that this clause had been introduced without reference to any person. The committee to whom this bill had been referred, had looked to the Act of the 10th George the 4th, which regulated the police of Westminster, and it was found in that bill there was a clause excluding the commissioners from Parliament. It was but right that the citizens of London should have the whole time of the Commissioner, considering the salary they would pay him.

Mr. *Hume* would not say, that it did, but he thought it looked very like as if the clause was intended to apply to the hon. Member for Southwark. He doubted very much whether it would be fair to persevere in this motion. If the Commissioner was not to be allowed to sit in that House, he did not see why the Recorder of London should.

Sir *J. Graham* could not assent to the proposition that the office in question would be entirely in the gift of the people. The appointment was to be given with the approval, and to be held during the pleasure, of the Crown. The Sovereign was to have the absolute power of removal. His principal reason, however, for supporting the clause, was the immense patronage which would be annexed to the office, and the way in which it might be exercised for electioneering purposes. Another reason why the office should constitute a disqualification for sitting in that House was, that the importance of the situation, and the amount of salary attached to it, gave the public a right to require, on the part of the individual who filled it, an entire devotion of his time and attention. Therefore, on all these grounds, the influence of the Crown, the patronage annexed to the office, and the magnitude of its duties, he thought the clause ought to pass.

Mr. *D'Israeli* said, the argument of the right hon. Baronet would go to disfranchise policemen as voters, and might be used as an argument against every officer of the State sitting in that House. The Secretary of State had multifarious duties to perform, was well paid, and the country was entitled to the whole of his time. This question would involve the discussion of a principle which had never yet been settled, the propriety of official functionaries having seats in the House. He entirely agreed with the hon. Member for Kilkenny, that the acceptance of office ought not to disqualify from a seat in Parliament.

Mr. *Villiers* agreed with the hon. Gentleman who had just sat down. There was no general principle on this subject laid down at all, and the argument of the right hon. Baronet would apply to a great many cases. To Lords-lieutenant and county magistrates for instance. No body of men possessed more important patronage than Lords-lieutenant, and yet they had seats in that House; two-thirds of the Members were county magistrates, who possessed the important power of granting or withholding licences; and he felt convinced that more votes were obtained from the fear of having licences withheld, or from the hope of having them granted, than from any other cause. If the argument was of any force, it applied to county magistrates. As far as he understood the reason for these disqualifications, it was from dread of the influence of the Crown; that did not apply in the present instance. The Corporation would take care not to appoint an unfit person, and the electors would see that the Member attended to their interests. He should therefore vote against the clause.

Mr. *Hawes* supported the clause, and was anxious, that all questions relating to the police should be discussed without party or political feeling. He objected for several reasons to the Commissioner having a seat in that House: the Secretary of State was the head of the department, and responsible for the conduct of the police. It might happen, that a discussion might take place, and a difference of opinion be manifested between the Secretary of State and the commissioner, and the police would not then be able to look up to one head alone for orders. He would have the appointment of the men, and his patronage would consequently be just as great whatever borough he represented. The police were intended to act as arbiters between different parties, and therefore it was important they should not exhibit party feelings. He utterly disclaimed any individual feeling on the subject, having always supported this clause.

Mr. *Harvey* said, that he should not permit the accidental reference which had been made to him by his hon. Friend, the Member for Coventry, to induce him to withhold the expression of his opinion upon the clause of the bill then under discussion. In the course of the remarks which had been made by the Under-Secretary of State for the Home Department in opposition to the motion of the hon. Member for London (Mr. Patteson) to the effect that the dismissal of the commissioners should be vested in the Common Council assembled, the Under Secretary laid great stress upon the circumstance, that the clause had received the sanction of a committee, and though it was intimated, that the clause itself was only carried by a majority of one, an hon. Member on the other side of the House attached as much importance to that vote as had her Majesty's Ministers to the vote which they had recently obtained on a majority of two. A motion like that which was carried in the committee had been made in the Common Council, in consequence of a report current at the time, that the commissioner would not be qualified to sit in that House, and out of the whole number but four persons were found to support it, while the other clause to which he had alluded had been carried by a majority of one. So much for the high respect which the Under Secretary of State was disposed to pay to the majority of the Common Council. It appeared to him, that that House was singularly unacquainted with the law affecting their own privileges. He doubted if hon. Members were aware of what constituted disqualification, and what ineligibility merely. He had observed, that great stress had been laid by the right hon. Baronet opposite upon this being an appointment under the Crown, because it was an office from which the party might be dismissed at the pleasure of the Crown. But it was not so; the law had made a difference in that respect. Under the statute of Anne, where there was a new office of profit under the Crown, the party must also be dismissible at the pleasure of the Crown, in order to bring it within the statute; but the party was not disqualified from sitting in that House if appointed under the same tenure as proposed in this clause, that was to say, being dismissible on account of misconduct or other reasonable cause. That was precisely the same cause for which a judge might be dismissed or a minister impeached. But it did not disqualify a person appointed to a new office of profit under the Crown, from a seat in that House, if he held it as long as he conducted himself well. Besides, this was not an office under the Crown; it was an office to which the Common Council alone should appoint. It was true, as stated by the right hon. Baronet, that the Crown could exercise a veto upon that appointment, but it had nothing to do with the appointment, nor, when made, could the Crown dismiss the party appointed, except upon some obvious cause of evident misconduct. The House was, therefore, going to establish a precedent of interfering with appointments vested in the people. If that was to be a principle which they were to carry out by legislative means, why, let it be a general principle. Although he repudiated the narrow impression that this law had a personal origin, yet it was unfortunate that it was open to this suspicion. Was there the same zealous anxiety for the integrity of that House and its Members running through all their legislation? Look at the bill which was standing for the fiat of that House, giving to the judge of an ecclesiastical court a salary of 4,000*l.*,—a bill which had been brought in by the

Government, and which would have already passed that House, but for the vigilance of his hon. Friend near him. Why was not the same anxiety evinced for the integrity of the House in other bills, and in that in particular, as was so directly recorded against the city of London in this. It was very well to disclaim all personal intention in this instance, but the course which was adopted certainly exposed the parties to an inference of that description. The House should not, it was said, qualify the holder of the office in question for a seat in that House, because he would have constant and numerous duties to perform. Might not the same be said of the judge of the Court of Admiralty, who was to receive a salary of 4,000*l.* and sit in that House to represent the people and support her Majesty's Government? Under the Municipal Corporations Bill, all corporations had the power of establishing a commissioner or superintendent of police of some kind. Had they put this disqualification clause into that bill? He did not know if the hon. Member for Liverpool were present, but if he were he should wish to ask him, if the police force of the town of Liverpool was not greater than that of the city of London, and whether the commissioner at the head of that force was disqualified from sitting in the House of Commons? He would tell the slumbering legislators of that House, that there was no clause in the Municipal Corporation Bill disqualifying even those who were police constables; whereas, by this clause, if any police constable should be found to vote at an election for the city of London, he would be subjected to a penalty of 100*l.* Why this vigilance to disqualify the citizens of London? Was it that Gentlemen fancied that the constituent bodies of the county were indifferent to the parties upon whom their choice should fall? If persons were to be excluded from that House, on the ground of having other occupations to attend to, he would just ask the House to look at many of its own Members to whom the same objection would apply—lawyers, for instance, who were occupied in the courts all day, and all the evening in their chambers. He objected to the amendment of the hon. Member, because it conceded too much, and because he thought it would be better to have no disqualification at all. The hon. Member for Lambeth thought it undesirable that the commissioner of police under this bill should sit in that House, inasmuch as he would have to arbitrate between conflicting interests. Now, he (Mr. Harvey) conceived it would have been very desirable if the commissioner of police had been in that House the other evening, when an imputation had been cast upon him by the hon. Member for Oldham; or on another recent occasion, when the House might have had his opinion as to the propriety of transferring the police from London to the scene of struggle in Birmingham. Another objection he had to this disqualification was, that they destroyed one of the few recompenses left in the hands of the people for consistent services. He was one of those who thought that there should be no disqualification, save that which the public mind imposed. Let the constituent bodies judge of the individual's pretensions. If his time were so occupied, as obviously to prevent the performance of his duties as representative of the people, that would be a sound reason why the constituency should not elect him. The discretion must be vested somewhere, and, in his opinion, it ought to be vested in the people.

Sir *Robert Peel*—Sir, I should be quite ashamed if I felt it necessary to disclaim any influence of a personal nature. I am sure that the proposition is made solely in reference to the general consideration of public benefit, and it is therefore scarcely necessary for me to disclaim any feeling of personal hostility in the course which I may think proper to pursue. I do not know what are the hon. Gentleman's chances of succeeding to this office, and I can only hope that the authorities who shall have the nomination of those officers may be afforded a fair opportunity of selecting those who have the best pretensions to discharge the duties efficiently. If I understood the hon. Gentleman, he said, those persons only were excluded from seats in Parliament, who held offices during pleasure. Why, the judges were not allowed to sit in Parliament, and they hold their offices independent of the Crown. In the reign of George 2nd, the Scotch judges were deprived of their eligibility to sit in Parliament—not upon the ground of their tenure of office, but upon the same ground that our criminal judges were rendered ineligible—because it was thought that it would be better if those who filled the judicial seat as civil or criminal judges, should not appear upon the hustings, to appeal to the political feelings of the people as political partisans. It was held, therefore, that the public interest would be benefited by preventing those who held such offices from sitting in Parliament. In my opinion, it would not conduce to the public benefit, or to the more efficient discharge of the duties which belong to the office of the commissioner, to have such commissioner known as a political partisan. It may be very well to have political partisans in this House, but when such an important duty is to be intrusted to a person, when he is to have the command of 500 men, and when we are aware how far the efficient discharge of his duty may depend upon the impression which the public may form as to his impartiality, I say that, under these circumstances, it is better such an individual should not have a seat in Parliament. It was, therefore, because we were of opinion that the duties which attached to that office would be discharged with more satisfaction to the public by a person who was not a political partisan, that I advocate such a provision, and not with any personal view. But the exception proposed with respect to the city of London, goes against the hon. Member's argument, for the citizens of London ought to be best qualified to judge of the efficiency or capability of the individual who held that office, to be a Member of this House; and if there may be allowed a power to exclude them from representing the city of London, why not a power to exclude them from other places as well? The hon. Gentleman had said, that the superintendent of the Liverpool police is subject to no such provision? Why not? Because the duties of the superintendant of police in Liverpool are totally incompatible with his holding a seat in Parliament; and if the superintendent of the Liverpool police held a seat in this House, and attended to the discharge of his political duties in this House, I have no doubt the people of Liverpool would soon say to him, "You are a political partisan—you devote so much of your attention to politics, that it is impossible you can remain longer at the head of our police force." But in London the case is different from that of Liverpool: there is no physical impossibility here, and it is on that account that, in order to provide for the more satisfactory fulfilment of the duties, such a provision has been thought necessary. I put it to the hon. Gentleman whether he can be of opinion that the public would be satisfied if the commissioner of police were to appear in the character of a candidate for a seat in Parliament, addressing himself to the passions and feelings of the people, flattering one party, and abusing the other, which would be fair enough in a political candidate, and still having the command of 500 men? Would, I ask, those who were abused by that individual, place the same confidence in his impartial discharge of his duties as those in whose favour he declared himself? Is it not contrary to the dictates of common sense that they could have the same confidence in him? But now look to the position of such an individual with respect to the other two commissioners. I venture to say, his relation to the others would be perfectly changed, that they would be subordinate officers to the commissioner who might have a seat in Parliament, who would undertake to answer questions connected with the police force, and who would, from that position become totally paramount. Suppose the commissioner who held a seat in Parliament should be a clever debater, who took every opportunity of attacking the Secretary of State. Suppose that whenever he spoke upon the police, he turned into ridicule the views of the Secretary of State with respect to that body, and called them narrow and confined. Supposing that the Secretary of State was unable to engage with that gentleman in debate, and found himself unsuccessful, what would be the consequence? Would the commissioner feel his authority lowered? The Secretary of State would say, this man is constantly attacking me, but I cannot remove him, as people would say it was on account of his popularity; and thus in what relation would he stand to the others? Persons will always place most reliance upon such a person in consequence of his not being a political partisan, and, therefore, I had great pleasure in bringing over a gentleman from the sister country. I placed him purposely in the office, and, as I expected, he was fully successful in gaining the public confidence. If the person at the head of the police be a political partisan, it is quite impossible he should have as much of the public confidence as if he were not such a partisan. Such an exclusion would also prevent unseemly conflicts between the Secretary of State and the commissioner who might have a seat in this House on the grounds of discipline and subordination. I am opposed to it, and whilst I say that, I do not mean that such a commissioner should abandon his political opinions, but that he should not put them ostensibly forward as a partisan. The right hon. Baronet concluded by again disclaiming any personal feeling in the vote which he was about to give.

Lord *J. Russell* said, that after what had fallen from the right hon. Baronet opposite, it would not be necessary for him to trouble the House by entering into a discussion of the question then before them. Thus much, however, he might say, that if the appointment of commissioner rested with the Secretary of State, he should not by any means recommend the appointment of a Member of that House. He was sorry that it should become necessary to exclude them by an Act of Parliament. He regretted that it should in any case become necessary to narrow the choice of the people, for he would much rather leave motions of this sort to the special circumstances of each individual case. Being of opinion, however, that, in such a case as the present, there ought to be such a provision, he should support the clause.

The House divided on the question that the words proposed by Mr. Mackinnon be inserted:—Ayes 32; Noes 108—Majority 76.

List of the AYES.

Aglionby, H. A.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Bryan, G.
D'Israeli, B.
Duke, Sir J.
Fielden, J.
Harvey, D. W.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Humphery, J.
Kemble, H.
Morris, D.
O'Brien, W. S.
Parker, R. T.
Pattison, J.
Pechell, Captain
Polhill, F.
Power, J.
Pryme, G.
Redington, T. N.
Salwey, Colonel
Sheil, R. L.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Williams, W.
Wood, Sir M.

TELLERS.
Hume, J.
Mackinnon, J.

List of the NOES.

Ainsworth, P.
Alsager, Captain
Archdall, M.
Bagge, W.
Baines, E.
Baring, F. T.
Barnard, E. G.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Brownrigg, S.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Byng, G.
Cavendish, hon. G. H.
Clerk, Sir G.
Cole, Viscount
Colquhoun, J. C.
Cowper, hon. W. F.
Darby, G.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duff, J.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Elliot, hn. J. E.
Ellis, J.
Estcourt, T.
Evans, W.
Fector, J. M.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Forester, hon. G.
Freshfield, J. W.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grant, F. W.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hall, Sir B.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, H. T.
Hoskins, K.
Howard, F.
Hurt, F.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Jones, Captain
Lascelles, hon. W. S.
Lincoln, Earl of
Marshall, W.
Mildmay, P. St. J.
Morpeth Viscount
Muskett, G. A.
Nagle, Sir R.
Packe, C. W.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Philips, M.
Pigot, D. R.
Plumptre, J. P.
Rice, E. R.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord
Rutherfurd, rt. hn. A.
Sheppard, T.
Smith, J. A.
Smith, A.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Spry, Sir M. T.
Stanley, hon. E. J.
Stanley, hon. W. O.
Steuart, R.
Stewart, J.
Strutt, E.
Surrey, Earl of
Thomson, rt. hn. C.P.
Thornely, T.
Troubridge, Sir E. T.
Williams, W. A.
Worsley, Lord
Wrightson, W. B.

TELLERS.
Maule, F.
Wood, C.

Bill passed.

MUNICIPAL CORPORATIONS (IRELAND).] Lord J. Russell moved the third reading of the Municipal Corporations (Ireland) Bill.

Sir *R. Inglis* rose to object to the measure, to which he felt bound to offer his most strenuous resistance. His opposition to it was not produced, either in its extent or character, by the resistance which had been shown to the several amendments which had been proposed for the improvement of this bill. He would not hesitate to say that, even if those amendments had been passed, his hostility to the bill would still remain unchanged. The only argument which had been used in favour of this measure with any plausibility was that derived from the fact that similar measures had been passed for Scotland and England. But that was no argument in his mind, for the working of that measure in England showed how dangerous it would be to extend a similar measure to Ireland. He believed that in England the measure had produced no good. The passing of this bill would be neither more nor less than the annihilation of all the existing Irish corporations. The present corporation of Dublin could not exist within six months after the passing of this bill. He believed, that her Majesty's Government had brought forward this bill, not in obedience to any principle of consistency, but to gratify the wishes of a certain number of their supporters—men who were not ashamed to be considered anti-Protestant in their views, but who, on the contrary, considered it to be a distinction that they were so. The expectations formed from this measure would prove delusive, for he believed that the measure would turn out to be nothing more than a hollow truce. He had witnessed the mischief that had been produced by former concessions. He had, consistently, opposed those concessions, and the result convinced him that he was right in doing so. Therefore, seeing the mischief that this bill was likely to produce, he should now move that the bill be read a third time that day three months.

Mr. Plumptre seconded the amendment.

Mr. *O'Connell* would detain the House only a very few minutes. If the bill had been an extension, as it should have been, the people of Ireland would have been reproached with receiving a boon, and yet remaining unsatisfied. He wished those who were inclined to make that statement would recollect the fact, that none of the measures of reform given to Ireland had been placed on an equal footing with those for England and Scotland. What the Irish demanded, was equality; and why should they be content without it? No measure of relief short of English franchise and privileges would satisfy them. They would always continue their efforts to raise their position to the English standard. Nothing could be so absurd as this species of legislation, which conceded a part, and withheld the rest of their rights. What the Parliament gave conferred on the people the power of obtaining the rest, and compelled them by agitation to keep up the public excitement until they accomplished their object. If the House wished to put an end to that state of things, let it at once concede the same measure of liberty the people of England possessed. With the bill, as it now stood, he was discontented. It should have been founded and carried into effect at once on the principle of the English franchise, whereas for the first three years they were restricted to a different and higher qualification. Under the Irish Reform Bill, only one-fourth per cent. of the full grown males possessed the franchise, while in England the proportion was 20 per cent. Could the Irish people be content with such a state of things? They could not, and ought not. Without equality of representation and privileges, the union was a fraud and a deception. Profitable it might be to one party, but not binding on the other. He protested against the bill as it stood; but if it came down to that House from another place, with a franchise still more restricted in one iota, he would appeal to both countries against the bill—to the Reformers of England when they should have recovered their senses and given up the Chartists, and to the people of Ireland, where agitation was always consistent with perfect obedience to the law.

Mr. *Darby* said, when he first sat in that House, the principle of municipal corporations for Ireland was conceded by the Conservatives both of that and the other House of Parliament; and the only anxiety was, that the qualification should be a *bonâ fide* one. This bill, however, was unamended for any substantial purpose, and he should vote against it.

Colonel *Perceval* had voted for the second reading of the bill, in the hope that the Government would adopt a 10*l.* rating; but in that respect it was even less regardful of the interests of the Protestants of Ireland than the measure of last year; in fact, at the end of three years, there would be no rating at all. He should have preferred, that corporations should have been abolished altogether, and he should vote against the bill.

The House divided on the original question: Ayes 97; Noes 21: Majority 76.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bryan, G.
Callaghan, D.
Cave, R. O.
Cavendish, hon. C.
Clive, E. B.
Cowper, hon. W. F.
D'Eyncourt, right hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duke, Sir J.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hawes, B.
Heathcoat, J.
Hindley, C.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, F. J.
Howick, Lord Visct.
Hume, J.
Hutton, R.
Lemon, Sir C.
Lushington, rt. hn. S.
Macleod, R.
Marshall, W.
Maule, hon. F.
Morpeth, Lord Visct.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
Palmerston, Ld. Visc.
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord John
Russell, Lord
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Sheil, R. L.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stewart, J.
Stock, Dr.
Strutt, E.
Surrey, Earl of
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Wakley, T.
Walker, R.
Ward, H. G.
White, H.
Williams, W.
Williams, W. A.
Wood, C.
Wood, Sir M.
Worsley, Lord
Yates, J. A.

TELLERS.
Stanley, E. J.
Steuart, R.

List of the Noes.

Alsager, Captain
Archdall, M.
Bagge, W.
Blackstone, W. S.
Burroughes, H. N.
Cole, Lord Viscount
Cooper, E. J.
Egerton, Sir P.
Ellis, J.
Fector, J. M.
Fitzroy, hon. H.
Grimsditch, T.
Henniker, Lord
Jones, Captain
Kemble, H.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Perceval, hon. G. J.
Plumptre, J. P.
Polhill, F.

TELLERS.
Inglis, Sir R. H.
Darby, G.

Bill read a third time and passed.

Admiralty Court.] The House went into Committee on the Admiralty Court Bill.

On the first clause,

Mr. *Hume* objected to the increase of salary which was proposed to be given by this bill to the Judge of the Admiralty Court. He did not think that either the duties which this learned functionary was called on to perform nor the present state of the revenue warranted this increase of salary which was proposed to be given by this clause. He thought it would be very desirable to know, whether any increased duties were to be thrown upon the Judge of the Admiralty Court by this bill, for he certainly saw no reason for coming forward, under the present circumstances of the country, to propose this increase of salary.

Lord *John Russell* thought, that the hon. Member had not paid sufficient attention to this measure. The object of the bill was to alter the principle on which the Judge of the Admiralty Court had hitherto been paid, and instead of the payment by fees to pay the Judge, a fixed and permanent salary. During the time of war, owing to the increase of fees, the emoluments of this office had amounted to between eight and nine thousand a-year, whilst in time of peace the salary was under four thousand a-year. He thought that it was very objectionable that a person filling an office of this kind should receive a salary liable to so much variation in its amount, and that was a reason why it was thought much better to fix it. In making this provision, however, the hon. Gentleman would perceive, that the amount of salary had been fixed considerably lower than what the Judge was in the habit of receiving in time of war.

Mr. *Hume* did not see the necessity of providing for time of war, for whenever such a time arrived, which he trusted would be far distant, it would then be early enough to provide for an increase of salary. They had an assurance from her Majesty at the commencement of the Session, that there was every prospect of the continuance of peace in Europe, and he certainly did not see the reason for providing for such a remote contingency.

The reasons just stated by the noble Lord did not satisfy him, and he certainly should continue his opposition to this proposal.

The *Chancellor of the Exchequer* said, the hon. Gentleman seemed to have mistaken the principle on which this increase was demanded. They were not asking the House to vote a war salary to the Judge of the Admiralty, but they asked the House, now at a time of peace, to vote such a salary as would form a mean between what the Judge received in time of war and what he received in time of peace. He did not think that this Judge ought to be in such a position that his emoluments should be high at one time and low at another, but his salary ought to be equal at all times and regularly paid. A few years ago an alteration was made in Ireland, and the salary of the judge of the Prerogative Court in that country was fixed at 3,000*l.* a-year, and this was not thought to be more than a fair proportion, in reference to the emoluments of a man in first-rate practice at the civil bar. Now, he certainly thought, that 4,000*l.* a-year in England, was not more in proportion to the larger emoluments of the English bar than 3,000*l.* was in Ireland. When it was considered, that the person appointed to this office should be able to determine questions of great importance not to this country alone, but to every civilized country throughout the world, and that the effect of his decisions was to reach distant countries, he thought that it would indeed be a most miserable economy which would not enable them to secure the best services for a situation of such eminence and importance.

Mr. *Williams* observed, that no advance of salary had been made to Lord Stowell, to Sir Christopher Robinson, or to Sir John Nicholl; and the country was not in a better state now than formerly to give an increased salary. He had been told, that the judge of the Admiralty Court had sat only twenty-four days during the last year; but if the number of days had been double, the present salary was quite sufficient. He objected to the increase because the country was not in a condition to make it.

Mr. *C. Wood* said, Lord Stowell had had the benefit of his war income for some years. If the hon. Member who spoke last would refer to the evidence before the committee of 1833, he would find, that the number of days the judge of the Admiralty Court sat was no criterion of the duty he performed. A salary of 4,000*l.* for a time of war as well as peace was not too much.

Mr. *Hume* did not like that the Liberal party should be reproached with having increased the salary of this office when filled by one of their friends, after Sir John Nicholl and his predecessors had received only the lower salary. If the increase was fit to be made, it ought to have been made when preceding judges were in office; but he thought it a most unfit time to add to the salary, when a judge had little or no duty to perform. If the learned judge had a duty to perform at the Privy Council, he would rather give him a salary of 1,000*l.* for that. As it was, it appeared a partial and improper proceeding.

Mr. *C. Wood* had omitted to mention, that by this bill there was a considerable increase of business thrown on the Admiralty Court, by the extension of its jurisdiction.

The *Solicitor-general* regretted, that the hon. Member for Kilkenny should have suggested that this increase had been made because the present judge of the Admiralty Court was one of their party. The hon. Member must, he thought, feel satisfied that no case more imperiously called for an increase of salary. The hon. Member said, there was at present very little business in that court; but it was most important to have there at all times a judge competent to do the business that was to be done, and to get such a person he must be taken from a class of the highest professional eminence. It was a miserable economy to run the risk of not being being able to procure the services of men of the first eminence. Was it prudent or consistent with sound policy to make it the interest of the judge, who had to adjudicate questions not of *meum* and *tuum*, but which might plunge Europe in war, to decide in a case of capture something that might lead to hostilities?

Sir *R. Inglis* agreed with the Solicitor-general, that it was important to have a judge of the highest eminence, as his decisions might influence the great question of peace or war. Those who recollected the decisions of our Court of Admiralty in the time of the Orders in Council would be aware how materially those decisions affected our foreign relations.

Mr. *Wakley* was really much obliged to Government for not proposing a higher salary than 4,000*l.* a-year. Had the sum been 8,000*l.* instead of 4,000*l.* he had no doubt it would have been easily granted, for the extravagance of the House was without limit. He protested against adding to the burdens of the people, by an unnecessary increase of at least one-fourth in the salary of this judge.

Mr. *C. Wood* said, he found, that in point of form it would be impossible to go on with this clause, as a preliminary resolution would be required.

Clause postponed.

On the 17th clause,

Mr. *Hume* proposed, as an amendment, the insertion of certain words, which would give to all barristers indiscriminately the power of practising in the High Court of Admiralty. At present the practice in that court was monopolised by the doctors of civil law.

Mr. *Wakley* supported the amendment. Perhaps the learned judge of the court, as the money clauses of the bill were postponed, would favour the Committee with his opinion as to the propriety of opening the court.

Dr. *Lushington* said, that as he was thus personally called on, he had no hesitation in declaring, that though it might not be inexpedient in principle to rescind prospectively the rule which excluded from the court all advocates who were not doctors in civil law, still in practice it would be productive of considerable injury to the present advocates in that court to let in upon them suddenly a new class of competitors who had not acquired the same qualifications or undergone the same long and laborious ordeal with themselves. The advocates in the High Court of Admiralty must have acquired their degrees of doctor in civil law in a strictly regular way, for if the degree were obtained by any grace or favour, it was not sufficient to admit the person so obtaining it to practise as an advocate in that court.

Mr. *Sheil* supported the amendment. Catholics and other Dissenters were at present disqualified from acting in this court, because they could not obtain the necessary degrees in the English Universities.

Dr. *Lushington* said, that there was one other consideration to which he wished to call the attention of the Committee. The High Court of Admiralty was the only school of public law in this country, and he was afraid, that since the death of Lord Stowell, we had not been at all able to vie with the professors of public law in other nations. Any measure, then, which tended to diminish the emoluments of that portion of the profession, which devoted itself to the study of public law, must also impair its character for learning and talent. And let not that be considered as a matter of slight importance, for the King's Advocate was consulted daily on matters of public law, and any mistakes on such points might involve the country in war.

The Committee divided on the amendment:—Ayes 28; Noes 69: Majoity 41.

List of the AYES.

Aglionby, H. A.
Bridgeman, H.
Brotherton, J.
Collins, W.
Dashwood, G. H.
Duke, Sir J.
Easthope, J.
Fenton, J.
Finch, F.
Gisborne, T.
Hall, Sir B.
Harvey, D. W.
Hawes, B.
Hutton, R.
Lushington, C.
Pechell, Captain
Power, J.
Salwey, Colonel
Scholefield, J.
Sheil, R. L.
Somerville, Sir W. M.
Turner, E.
Turner, W.
Vigors, N. A.
Warburton, H.
White, A.
Williams, W.
Yates, J. A.

TELLERS.

Hume, J.
Wakley, T.

List of the NOES.

Adam, Admiral
Ainsworth, P.
Alsager, Captain
Baring, F. T.
Barry, G. S.
Blake, W.
Bryan, G.
Buck, L, W.
Clive, E. B.
Cowper, hon. W. F.
Dalmeny, Lord
Darby, G.
Donkin, Sir R. S.
Elliot, hon. J. E.
Evans, W.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Freshfield, J. W.
Gordon, R.
Graham, rt. hn. Sir J.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Heathcoat, J.
Hoskins, K.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Hurt, F.
Inglis, Sir R. H.
James, Sir W. C.
Kemble, H.
Labouchere, rt. hn. H.
Loch, J.
Lowther, hon. Colonel
Lushington, rt. hn. S.
Macleod, R.
Marshall, W.
Maule, hon. F.
Morpeth, Viscount
Packe, C. W.
Palmer, G.
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pendarves, hn. W. W.
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Rice, E. R.
Rice, rt. hon. T. S.

Rich, H.	Thomson, rt. hn. C. P.
Russell, Lord J.	Troubridge, Sir E. T.
Rutherfurd, rt. hn. A.	Walker, R.
Scrope, G. P.	Williams, W. A.
Stanley, hon. E. J.	Wilshere, W.
Stanley, hon. W. O.	Wood, Sir M.
Stuart, R.	Worsley, Lord
Stewart, J.	TELLERS
Strutt, E.	Wood, C.
Surrey, Earl of	Solicitor-general, the

Remaining clauses agreed to.

CONTINUANCE OF THE POOR-LAW COMMISSION.] Lord J. Russell moved the second reading of the Poor-Law Commission Continuance Bill.

Mr. *Grimsditch* said, he had strong objections to the measure. The predictions which had been made in that House as to the manner in which the Poor-law Amendment Act would be carried out, had been fully realized. It was not his object, at the present moment, to animadvert upon the gentlemen to whom the duty of conducting and carrying out that measure had been confided; he believed them to be most respectable and honourable men, but this much he must say of them, that they, or at all events those who acted under them, did not possess, in his opinion, sufficient practical knowledge. The host of sub-commissioners which had been sent out through the country was composed principally of barristers-at-law, of very short standing at the bar, who had not had any experience of the social feelings and habits of the people of the country. But he objected to the present bill as unnecessary. The unconstitutional powers vested in the Commissioners, it was provided by the Poor-law Amendment Act, were to continue for five years, and until the end of the then next Session of Parliament. Now, surely five years was ample time to try and ascertain the working of the measure. The measure had, with one or two exceptions, he believed, been carried into effect throughout the kingdom, and within the term the commission would now continue—namely, until the end of the next Session—an ample opportunity would be afforded fully to try the experiment. But with respect to this bill. At the commencement of the present Session, and frequently during its progress, questions had been put to the noble Lord opposite (Lord J. Russell) as to his intentions with respect to this law, and early in the Session, the noble Lord stated his intention to bring in a bill, not only to continue the powers of the existing Commissioners, but also to remedy a number of defects which it was allowed existed in the carrying out of the new system. It, therefore, was with very great surprise to him (Mr. Grimsditch) that it was only within the last few weeks that the bill, together with five other measures connected also with the question, made its appearance before the House, and it was evident that the powers of the Commissioners were not to cease even at the time fixed by the bill of the noble Lord, than which a more objectionable and oppressive measure had scarcely ever been brought forward. One of the bills brought in created a new office—that of reviser of rates—it gave the commissioners power over all books, papers, and documents, belonging to the unions; it enabled the guardians to make and levy rates, to recover them by distress and sale; the right of appeal was taken away in certain cases; all these provisions served to show him that there was a determination on the part of the noble Lord at the head of the Home Department, to perpetuate the unconstitutional powers at present possessed by the commissioners, to a much longer period than the noble Lord professed. He, however, trusted that, looking to the strong feeling existing throughout the country, with reference to the extraordinary powers of the commissioners, her Majesty's Ministers would pause. It was notorious, that the present bill was brought in in the face of state prosecutions arising out of a resistance to this very law, in the north of England; it was notorious, that her Majesty's Attorney-general was proceeding both to Chester and to Liverpool to try persons for resisting this law. And where, he begged to ask, was the necessity for the present bill. It would be much better to postpone this bill, and in the mean time, the Government might take such active measures as would enable them to mature those amendments which were necessary in the existing law. To any further continuance of the powers held by the commissioners at Somerset-house, and those under them, he entertained strong objections, arising from the evil effects which had been produced throughout the country. If it was actually necessary to have a controlling power, in order to carry out with effect this law, it would be better to leave it to a Secretary of State, as in that case there would be a responsibility, while at present there was none. Feeling strongly that this bill ought not to pass into a law, in the present Session at all events, he should move, as an amendment, that it be read a third time this day three months.

Mr. *Darby* said, that though it was not his intention to oppose the second reading of the bill, he thought there was some justice in the remarks made by the hon. Member for Macclesfield as to the course which had been pursued by the noble Lord opposite with respect to it. It had been truly stated, that the noble Lord said he would bring in a bill in the second week of May to effect certain amendments in the existing poor-laws, and now the House had arrived at the 15th of July. The noble Lord had not redeemed his promise, but had waited until many hon. Members interested in the subject had left town, and consequently the present measure would not receive that discussion which it called for and deserved. But though the bill to continue the Poor-law commission was now before the House, still those clauses of amendment, including the bastardy clauses, which the noble Lord promised to lay on the Table, were not forthcoming, and up to the present moment, nobody knew at what time they would be brought forward; still less did anybody know what provisions they would contain. The noble Lord had said, that the object of this bill was to continue the commission but for one year longer; but, on looking at the bill, he found it provided, that the commissioners "should hold their offices until the expiration of one year from the 14th of August, 1840, and until the end of the then next Session of Parliament." So that the bill proposed a continuance of nearly three years. He should not vote against the second reading of the bill, because that course might prevent him moving those amendments which he desired to see effected in the present laws. If the noble Lord refused those amendments when proposed in Committee, he should vote against the third reading, on the principle that he might then probably get an early opportunity next Session of pressing his amendments upon the House.

Colonel *Sibthorp* had great pleasure in supporting the amendment proposed by the hon. Member for Macclesfield (Mr. Grimsditch). The Poor-law Amendment Bill, it had been promised, would be a boon to the poor of the country. It was no such thing; but, on the contrary, it had been now proved to be an imposition on the public. The whole of the newspapers—a means of information on which some reliance ought to be placed—teemed daily with complaints of the cruelty of the Poor-law Amendment Act. His hon. Friend who had just sat down had expressed his surprise that the noble Lord had delayed this bill until this late period of the Session; but his hon. Friend forgot that it was the practice of the Government to postpone all their measures until that late period when but few Members remained to resist their machinations. Let the House look at the expense to which this commission had put the country. He had not the whole returns, but he was sure, if he said it had cost 60,000*l.* it would be the *minimum.* The returns up to 1836 shewed it had cost 38,000*l.*, and though the last return was incomplete, he was sure he understated the entire expense of this commission alone when he fixed it at 60,000*l.* On the consideration of the Appropriation Bill, he should certainly move for the appointment of a Select Committee to inquire into the state and expense of the various commissions now in force in this country, and he pledged himself to prove before that Committee, a more gross statement of expenditure than ever had yet been laid before the public, and especially by a Government which came into office on the principle of economy. But they had lost the confidence of the country; that fact had been told them the other day, when the other House went up with the Address to the Queen, and he must say, that men more unworthy the confidence of the country never before existed. This bill was brought on at this late period of the Session, not with any regard to the feelings or wishes of the people, but because the Government knew they could carry it by numerical ~~strength;~~ the noble Lord was afraid to bring it forward early in the Session, and now sought to smuggle it through. He called upon hon. Gentlemen opposite, who had declared the Poor-law Amendment Bill to be oppressive, to withdraw from the Government and come to his side of the House in opposing this renewal. He should join the hon. Member, with great pleasure, in throwing out this bill, and although he was no Chartist—although he deprecated violent language

—yet, if any Gentleman would bring forward, in temperate language, a measure for the repeal of this accursed law, he should have his support.

Sir *J. J. Guest* would oppose the second reading of the bill, inasmuch as the poorer classes of his constituents complained that the existing law was cruel and oppressive, especially in those provisions which permitted the separation of husband and wife, and the refusal to afford out-door relief. If, however, the bill went into Committee, he now gave notice that he should move clauses to amend the provisions of the existing law to which he alluded.

Mr. *W. Tatton Egerton* said, that having opposed the former bill in every stage, he felt bound now to say that subsequent experience had confirmed him in his opposition to its principles. A very strong feeling existed against the Poor Law Act, and much difficulty had had to be encountered in obtaining the attendance of guardians to carry its provisions into operation. He himself entertained a strong feeling against the act, and he thought there was also much reason to complain of the mode in which it had been carried into effect. In this part of the country rules and regulations had been sent down to them, and when it was attempted to moderate their severity, the commissioners had insisted on those regulations being observed in the most rigid manner. Those rules had been much complained of, and he would therefore press upon the noble Lord the propriety of withdrawing this bill for the present, and early in another session of introducing a new measure, into which some modifications of the present system might be introduced. If the amendment was pressed to a division, he should vote against the bill.

Mr. *P. Howard* said, few Acts had received the sanction of Parliament which, in his opinion, had been productive of more beneficial effects in the northern districts than the Poor Law Amendment Act. He could not help expressing his thanks for the great reduction in the rates which had taken place under the new system.

Sir *W. James* said, that if his hon. Friend the Member for Macclesfield pressed his amendment to a division, he should certainly vote with him, for he entertained many objections to the bill. He was not inclined to revert to the old system, but he could not but regret that this bill had been introduced at so late a period of the session, that it was utterly impossible that any modifications could be made in the existing law.

Mr. *Blackstone* would freely confess, although he should vote against this bill, that he was not prepared to vote for the total repeal of the existing law. When the guardians had acted independently of the commissioners, the Poor Law Amendment Act had been beneficial; but when the guardians had submitted to the dictation of the commissioners, the worst results had followed. For himself he wished to see the guardians invested with a discretionary power of granting relief, and there were other alterations which he trusted would be made. He should support the amendment.

Mr. *Buck* believed, that the country was more indebted to her Majesty's Ministers for the Poor Law Amendment Act than for any other measure which they had brought forward. He acknowledged that he had at first looked with suspicion on that act, but having been the chairman of a board of guardians for a considerable period, he was now convinced from experience that the Poor Law Act had been of the greatest possible service to the country. There was one clause, however, to which he felt it his duty to call the attention of the Government, viz., the clause relating to the relief of the able-bodied poor. He thought it absolutely necessary, with reference to this part of the system, that a discretionary power should be vested in the guardians, and he was sorry to see any bill introduced at so late a period, that due consideration could not be given to this important subject, so as to enable them to effect some practical improvements. If the commissioners would allow a discretionary power to the guardians, he was sure the concession would be attended with very beneficial results.

Mr. *T. Parker* said, he would support the amendment which had been moved, as he objected strongly to he system which allowed no discretionary power to the guardians with respect to out-door relief. He objected also to the extensive powers vested in the commissioners. It might have been imagined that some modification of the extraordinary powers of the commissioners, which they exercised in a more extraordinary manner, would have been proposed; but he found by a bill which had been introduced by the noble Lord that they were to be intrusted with still more extensive powers. The bill to which he alluded was the bill for the collection of rates, and in one of the clauses of that bill, by which the guardians, under the direction of the commissioners, were empowered to appoint collectors, it was provided, "that the powers given by the said act to the said commissioners for directing the execution by guardians of the laws for the relief of the poor, shall be deemed to extend, and shall extend, to the making, collecting, and distribution, of poor-rates, and to the custody thereof." [Lord *J. Russell:* it is intended to alter the clause.] He had a right to found his argument upon the bill as he found it, as he could not know what alterations might be proposed by the not ble Lord. He had a right to allude to the clause as it stood in the bill, in order to expose this insidious attempt to extend the powers of the Poor Law authorities.

The *Speaker* begged to intimate to the hon. Member that the House was not debating the Collection of Rates Bill at that time. The question was, that the Poor Law Commission Continuance Bill be read a second time.

Mr. *T. Parker* was aware that such was the fact, and he was only endeavouring to show that very extraordinary powers were to be granted to the commissioners by another bill. The words of the clause in the Collection of Rates Bill to which he had alluded were, that the powers of the commissioners should extend "to all monies, papers, goods, and chattels, applicable or relating in any way to the relief of the poor, as well as to the relief, maintenance, and removal, of the poor." The effect of that proviso would be, that not one single charity which had been established for the relief of the widow and the orphan would escape the control of the Poor Law Commissioners. That was one of the strongest objections which he had to the bill before the House, as the bill went to continue the powers of the commissioners, and although he stood alone he should vote against it.

Mr. *Wakley* said, it appeared to him very extraordinary that a bill of this kind, and of such vast importance, should have been introduced without one word of explanation. He could not comprehend how Ministers could propose such a bill without stating the grounds on which it was introduced, and without explaining the reasons which, in their opinion, rendered such a measure necessary. The bill was intended to continue one of the most odious statutes that had ever been placed on record, and was to extend the powers of the Poor Law Commissioners for two years longer. Had the noble Lord's attention been directed to the complaints which had been made against the Poor Law Amendment Act? There was no part of the country from which complaints against the Poor Law Act had not been made, and those complaints had been directed against the system of out-door relief, the gigantic extent of the unions, the system of plural voting, and the consequences resulting from the plan of *ex officio* guardians. Society was torn to pieces by the operation of the new system, and instead of the hostility to the measure decreasing, his firm conviction was, that it was on the increase. Yet, notwithstanding that such was the case, here was a proposition brought forward for extending and continuing the powers of the commissioners, and yet Ministers had made no statement, offered no explanation, to show the necessity for the adoption of such a course. He trusted that the noble Lord would yield to the suggestions which had been offered, and that he would not proceed further with this bill, but wait till another Session, when a comprehensive measure could be introduced to remedy the defects of the existing laws. This bill was a piece of mere patch-work, and could not be satisfactory either to that House or to the country. The hon. Member for Devon had expressed himself pleased with the operation of the Poor Law Amendment Bill, but let the House appeal to the poor, and hear what they had to say on the subject. He wished the hon. Member could have heard some of the complaints which he had heard in Devon, where, notwithstanding all that was said about the bill raising the rate of wages, no such result had taken place, and where no allowance had been made for rent, or for the increase in the price of corn, although there might have been some allowance of sour cider. This bill ought not to have been brought forward without its having been shown that there was a paramount necessity for its introduction; and if the noble Lord offered no satisfactory explanation of the grounds on which he justified this proceeding, he should vote for the amendment of the hon. Gentleman opposite.

Mr. *Pakington* said, the hon. Member for Finsbury had blamed the Government because they had offered no explanation on the introduction of this bill; but although it was not his duty to defend her Majesty's Ministers, yet he must observe, that as it was merely a bill to continue certain provisions of a former Act, it did not appear to him that any explanation was necessary. The hon. Member had also alluded, and in terms of censure, to the *ex officio* guardians; but in his opinion the *ex officio* guardians had contributed in a very high degree to the beneficial operation of the Poor Law Act. The size of the unions had also been objected to, and he was disposed to agree with the hon. Member that the unions were too large. The poor were bound to make application for relief in person, and for that reason the unions ought to be of moderate extent. He had risen, however, for the purpose of expressing his approbation of the Poor Law Amendment Act. He was aware that a great outcry had been raised against the measure, and that many persons had striven to excite strong feelings of hostility against it, and as he had been convinced from experience of its beneficial effects, he felt bound to say, that in his opinion, if there was one act to which posterity would look back with gratitude to the present Ministers, that Act was the Poor Law Amendment Act. An hon. Member opposite had spoken of the reduction of rates which had been effected, and no doubt such had been the effect of the bill; but it was not on that ground that he was favourable to the new Poor Law, but simply because he believed that they had tended more than any other enactment to elevate the moral character of the working classes, and to promote their real welfare and their best interests. The part of the measure in regard to which he entertained the strongest doubts was the bastardy clauses. He objected to the trial of bastardy cases before the Quarter Sessions, and he could not see why the corroborating evidence which was required should not be taken before the petty sessions, when all the disgusting parts of that evidence would be prevented from becoming public.

Mr. *T. Attwood* had no hesitation in saying, that a more odious measure than the Poor Law Amendment Act had never passed that House. He had always believed that the object of this bill was to break down the labourer's wages to the Irish level. That effect would have been already produced but for the accident of the general construction of railways, which during the last five years had employed 400,000 labourers. When the construction of these railways was completed, those labourers would be thrown upon their hands, and he knew not how they would provide for them with the glaring defects of the existing monetary system. Hon. Members were as ignorant of this subject as he was of music, or of the cloisters of Oxford or Cambridge. He could assure them that they would find it impossible to persevere in the present system—compelling the people to pay a large sum of money for their bread, and to receive a small sum of money for their labour. Ground between these two iniquities, the people of England looked to the workhouse as their resource. But the workhouses were shut in their faces, and bastiles opened in their stead. This was an attempt in which they could not succeed. They might think him enthusiastic, but he thought them indiscreet. He implored of them not to harden their hearts, but to open their eyes to the distresses of a well-nigh infuriated people.

Mr. *Freshfield* would vote for the second reading of this bill, being desirous to go into Committee, with a view to restricting the term of its operation to a single year. He should have preferred instead of enacting the existing poor law, returning to the statute of Elizabeth, taking care not to permit abuse in its operations.

Mr. *T. Duncombe* said, that there was a fraud on the face of this bill. It purported to be a renewal for a brief period, yet upon inspection of its contents, it turned out to contain a renewal of the provisions of the Poor Law Bill for three years from the 14th of August next. The most arbitrary powers had been conceded to the Poor Law Commissioners—powers which had been objected to by the whole people of England, and this bill proposed to commit a fraud on the people of England, and extend their powers for three years more. It was a modification, not an augmentation of these powers that the country expected. Was it proper, in the present state of the finances of the country, to entail upon us an expense of 70,000*l.* per annum? He hoped that, where local acts existed, the people never would consent to the introduction of this measure. He knew of 160 parishes in the West Riding of Yorkshire, and other parts of the north of England, which were included in the Gilbert incorporation, and were determined to resist any attempt to introduce it. The Poor Law Commissioners had recommended, that the Gilbert incorporation should be immediately put down, without affording them the opportunity of having their case stated in Parliament. Her Majesty's Ministers had exhibited their discretion in not attempting to interfere with this incorporation. If they attempted to do so, they would raise a nest of hornets about their ears. He had no doubt that the Government would be able to carry this bill, but when it was in Committee, he should certainly take the sense of the House upon the powers of the Commissioners being continued only for a single year. He trusted that the hon. Gentleman would not withdraw his opposition.

Lord *J. Russell* said, that when he introduced this bill to the House, it did not appear to him to require any explanation. He had stated, that his object was to enable Parliament to have a full opportunity of discussing any amendment which it might be proposed to introduce during the ensuing Session. If the next Session should happen to be very long, the powers of the commissioners would last to the end of the Session; if the Session, on the contrary, should happen to be a brief one, their powers would terminate with it. In reply to the remark of the hon. Member for Sussex, he had to observe that, considering the quantity of business which was before the House, it would have been almost impossible, during the present Session, to have secured such an attendance of Members as would have enabled them to go through all the different amendments in the present law, which hon. Members would have proposed for their consideration. The hon. Member for Finsbury had complained of the proposed duration of the powers of the commissioners. Now, he had thought that it was agreed upon all hands, that these powers should be conceded to the Commissioners for five years, and that Parliament should, at the expiration of that period, have an opportunity of considering whether they would continue them, But he had never contemplated that these powers should cease at the expiration of five years. The term of continuance which the bill proposed having been objected to, he would have no objection to shorten the time. He thought it generally rather an objectionable course to make a bill last to the end of the next Session of Parliament. He thought it better to specify a fixed time; and was, therefore, ready to consent to the proposed alteration. His object was, to prevent the abrupt cessation of these powers, and allow full time for the discussion of any new measure. The principles of the Poor Law Amendment Act, which he looked upon for the most part as perpetual, did not come properly into discussion upon a bill of this kind; but if assailed at all, should be assailed by a proposition for their direct repeal. He was glad to hear several hon. Members, on both sides of the House, bearing testimony to the good effect of the Poor-law Amendment Act. He was convinced that that measure had been very beneficial to the country, and had been beneficial, not merely in reducing the amount of the rates, but also in rewarding the industrious, and correcting the idle. The hon. Member for Birmingham could hardly have given sufficient attention to the operation of the act, probably because his mind was quite filled with other matters, or he would not have spoken as he had done that evening. But it was obvious that the operation of the act was exposed to the remark which had been that night made upon it—namely, that if it were beneficial, why should it have caused so much objection and unpopularity? No doubt, an act of that description, administered as it was by those commissioners, to whom the hon. and gallant Member for Lincoln was not very partial, was open to much more unpopularity than attended the old system, under the administration of the parish authorities. There might be abuses under the present act, but every case was magnified to a great degree, and the evidence by which it was supported was very much exaggerated, and brought to tell against the Commissioners and the Government; while under the old system, if in a small parish workhouse, the paupers were ill treated, or jobbing was carried on in the greatest possible degree, it was a mere local affair; it concerned only a few parish authorities, and it was the interest of no one to bring the case forward, either in the public prints or in Parliament, nor would he be listened to who did bring it forward. But when a case was to be made out against Commissioners, or against a Secretary of State, it then became a matter of great importance and paramount interest. He thought, that no one who looked into the reports of the commissioners, setting forth the operation of the old law, could say that such a system ought to continue. He trusted that the bill would then be allowed to be read a second time, and to be committed on Thursday next. The hon. Member for Droitwich, who had spoken favourably of the operation of the act in general, had complained of the proposed bastardy clause, and other clauses, not being in the hands of hon. Members; he had sent them to be printed, and expected they would have been ready a week ago. The purport of the bastardy clauses would be to transfer the power which was now exercised at the Quarter Sessions to the Petty Sessions, with such provisions as now existed with respect to the Quarter Sessions.

Mr. *G. Palmer* opposed the second reading, not with a view of returning to the evils of the old system of Poor-laws, but to prevent the introduction of that piecemeal system of legislation and infringement upon the rights of the people to which the Ministry resorted on every occasion. There was quite sufficient time before the operation of the present provisions would expire, to introduce such a measure as would put the Poor-law of this country upon a proper basis.

Mr. *Hindley* thought it intolerable that it should be left to the three kings at Somerset-house to determine what food should be given to the poor, and how they should be treated. He required no better proof of the effect of such a law than the dietary which had been issued by those three kings for the support of the poor. In a part of the country which he had lately visited, and where the New Poor-law was in operation, he found the price of land was from 3*l.* 10*s.* to 5*l.* per statute acre. Now, he did say it was abominable, when landlords got such a price for their land, that the present system should be pursued towards the poor. In the last Session but one he had moved for returns to show the mortality in the workhouses under the new and old system of poor laws, but those returns had never been made. If he were acting for the purposes of agitation he could produce returns of his own, with reference to this part of the question, which were very little in favour of the new law. But then it was said, although the poor were not happy, because they had no right to be happy, yet how virtuous and moral they were rendered by this law. This was so constantly said, that he almost persuaded himself that it had been proved; but what was the fact? Why, that taking the numbers of births of illegitimate children during three years previously and three years subsequently to the passing of the act, the latter exceeded the former by 12½ per cent. He had no objection to an improvement of the present law, but he thought the measure ought to be deferred till next Session, when there would be time to pay due attention to the subject, and to make such alteration in the existing law as Parliament might think advisable.

Mr. *Fielden* was understood to say that while the Poor-law had produced so much misery, it had wholly failed in producing what it was intended to effect—namely, an advance in the wages of the poor. He never heard the Poor-law praised except by Members of that House—who perhaps might have objects of their own to answer. It had been said, that the new Act had improved the condition of the labouring classes, but how could that be when their wages were in fact lowered? Did such a result justify the extending of these unwarrantable powers to the commissioners? If the act had worked as well as it had worked ill, he would never have consented to continue to any men such unconstitutional powers, and this measure should not pass without encountering all the opposition which it was in his power to give it.

Mr. *M. Philips* thought the Poor-law Amendment Act, had conferred inestimable benefits upon that part of the country with which he was particularly acquainted, by keeping the labourers in constant and regular employment, and in a state of greater comfort, respectability, and happiness than they had previously known. He thought a fair trial ought to be given to the act, although he was ready to concur in any improvements upon the measure which at present, could only be regarded as an experiment.

The House divided on the original question.—Ayes 120; Noes 35:—Majority 85.

List of the AYES.

Acland, Sir T. D.	Aglionby, H. A.
Adam, Admiral	Ainsworth, P.

Baines, E.
Baring, F. T.
Barrington, Viscount
Barry, G. S.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Dalmeny, Lord
Darby, G.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, hon. J. E.
Euston, Earl of
Evans, G.
Evans, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Lord C.
Freshfield, J. W.
Gisborne, T.
Gordon, R.
Graham, rt. hon. Sir J.
Grant, F. W.
Greenaway, C.
Grey, rt. hon. Sir G.
Hastie, A.
Hawes, B.
Henniker, Lord
Herbert, hon. S.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Hogg, J. W.
Hope, hon. C.
Hope, H. T.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Hurt, F.
Hutt, W.
Inglis, Sir R. H.
Irton, S.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lincoln, Earl of
Loch, J.
Macaulay, T. B.
Macleod, R.
Marshall, W.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Muskett, G. A.
O'Connell, M. J.
Ossulston, Lord
Paget, F.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Philips, M.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, G. F. A. C.
Power, J.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hn. T. S.
Rich, H.
Roche, W.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Russell, Lord J.
Russell Lord C.
Rutherfurd, rt. hon. A.
Salway, Colonel
Sandon, Viscount
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheppard, T.
Smith, J. A.
Smith, R. V.
Stanley, hon. W. O.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Thomson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, hon. C. P.
Warburton, H.
Wilshere, W.
Wodehouse, E.
Wood, C.
Wood, Sir M.
Worsley, Lord
Wyse, T.
Yates, J. A.
Yorke, hon. E. T.

TELLERS.
Stanley, hon. E. J.
Steuart, R.

List of the NOES.

Alsager, Captain
Archdall, M.
Attwood, T.
Blackstone, W. S.
Brotherton, J.
Canning rt. hon. Sir S.
Collins, W.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, T.
Fielden, J.
Finch, F.
Fleetwood, Sir P. H.
Guest, Sir J.
Hall, Sir B.
Hawkes, T.
Hector, C. J.
Hinde, J. H.
Hindley, C.
Hodgson, R.
James, Sir W. C.
Kelly, F.
Kemble, H.
Lowther, hon. Colonel
Palmer, G.
Parker, R. T.
Perceval, hon. G. J.
Sanderson, R.
Scarlett, hon. J. Y.
Scholefield, J.
Sibthorp, Colonel
Turner, W.
Wakley, T.
Wilbraham, hon. B.
Williams, W.

TELLERS.
Grimsditch, T.
Egerton, W. T.

Bill read a second time.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS.] The House then went into Committee on the Cathedral and Ecclesiastical Preferments Bill, of which the first and second clauses were respectively passed without amendment.

On the third clause,

Sir *R. Inglis* said, that he wished to add a proviso. It was to meet such a case as this:—A chapter, say the chapter of Canterbury, had borrowed 25,000*l.* from the treasurer of Queen Anne's Bounty. This debt is to be paid off, principal and interest, from the chapter funds. Those funds, if the number of prebendaries be complete, are divided amongst them; and each pays an equal sum, that is, receives less than he otherwise would in respect to this debt. The first recited bill provided, that the share of any prebendary who might die during the existence of the Ecclesiastical Commission should go to the general fund for augmenting small benefices. But that commission had expired; and since its expiration a prebendary had died. What shall be done with his share? If the present bill were not in question, the chapter would either divide his share among themselves, or, if they had a joint debt, would pay it to their creditor in part discharge of their obligation. The treasurer of Queen Anne's Bounty claims it not as a payment of the chapter debt, but as an instalment for other and distinct purposes. The object of his proviso is to allow the treasurer to receive the proceeds of a stall vacant under such circumstances as so much paid in liquidation of a debt. If it were otherwise, the treasurer would first take the chapter money, and then make the chapter pay interest upon it.

Lord *J. Russell* could not consent to this proviso, which would have the effect of placing the chapter generally in a better position than that in which they would have stood if the stall in question had been filled up.

Sir *T. D. Acland* proposed that such a sum should be taken from the amount of the vacant stall as would have been paid as the proportion of the prebendary if the stall had been filled up.

Lord *J. Russell* assented to this proposition.

Mr. *Aglionby* moved upon the 5th clause, that the commissioners should have power to continue leases, but not as the clause proposed, to extend them.

Lord *J. Russell* said, that he would prefer omitting the clause altogether.

Sir *J. Graham* thought that there would be injustice to the clause as it stood; the condition of the lessees would be much damaged by it.

Mr. *V. Smith* said, that he could not admit the term of justice to be applied to the state of things supposed. A lessor had a right to grant or refuse a renewal of the lease, and it could not be said that there was injustice in his refusal.

Sir *J. Graham* said, that he withdrew the word injustice, but it would work a practical hardship.

Mr. *Aglionby* was surprised at the doctrine of his hon. Friend the Member for Northampton. For his own part, he would prefer the omission of the clause.

Sir *R. Inglis* said, that this was the first instance in which the agency of the Ecclesiastical Commissioners had been recognized and introduced into these Suspension Bills. But the hon. and learned Member for Cockermouth wished for the omission of the 5th clause, and as he also on a truly opposite ground wished it, he trusted that it would be removed from the bill.

Lord *J. Russell* assented. Clause struck out.

Report to be received on Wednesday.

House adjourned.

HOUSE OF LORDS,

Tuesday, July 16, 1839.

Minutes.] Bills. Read a first time:—Municipal Corporations (Ireland); London City Police; Soap Duties Drawback; Indemnity.—Read a second time:—Turnpike Acts Continuance.

Petitions presented. By the Earl of Ripon, from the Aborigines Protection Society, to suspend the removal of Indians from Upper Canada.—By the Earl of Roden, from Clergy of Bristol, against allowing Catholic Chaplains to Gaols; and from Stony Middleton, Clifton, and All Saints (Derby), for the Better Observance of the Sabbath.—By the Duke of Rutland, from Stationers of Scarborough, against using Stamped Envelopes for collecting the Postage of Letters.

Riots at Birmingham.] The Earl of *Warwick* wished to put a question or two to the noble Viscount respecting the accounts that had been published, respecting the proceedings at Birmingham, which were of so alarming a tendency. Should he be premature in introducing the subject, he should be happy, upon the slightest instructions from the noble Viscount, to delay bringing it forward; but, it appeared to him, that the importance of the accounts seemed to press for immediate attention. Standing in the situation of lord-lieutenant of the county, still he had not received one word of communication on the subject from the magistrates or any other authorities of the town, or even from the Home-office. Had it been so, he should have been very glad to have given immediate assistance and attention, for the purpose of securing the public peace. He wished to ask the noble Viscount, whether he could give any information as to the actual situation of the large town he had named, and whether there was a sufficient force of police down there, and whether there was also the military assistance on the spot that was required, to enable the authorities to preserve peace and order? It was a matter of the greatest surprise to him, if the public accounts that were given were correct, that so much mischief had been done, and that the mob had been allowed to proceed almost without interruption, after so much time had been given to the authorities of the place to make preparations, as they must have been aware of the state of excitement the population were in. He was unwilling to say more on this part of the subject at present, and therefore should abstain from alluding to it further. The people, however, who had carried on these Chartist outbreaks against the respectable people of the town were neither more nor less than a portion of the Political Union that had been established in that place for some years, and which Political Union, although declared by the Government to be illegal, had, nevertheless, been connived at and supported by them to the present time. The individuals who formerly directed it now found, that they could no longer direct or control the classes composing it. But having been supported by his late Majesty's Government in all their previous conduct and proceedings, the people expected, with some degree of justice, the support of her Majesty's Government in their ulterior proceedings. He thought, that for a long time, these persons had been allowed to go a great deal too far, and he could not help expressing his surprise, that as the lord-lieutenant of the county, he had had no communication made to him by the magistrates on that subject. He should also be glad to know by whose advice it was, that so much apparent apathy existed last night, so that neither the police nor the soldiers were called upon to act for a considerable time after the riots prevailed. He was given to understand that the soldiers were only summoned at between ten and eleven o'clock at night. He should be very glad to hear what the state of Birmingham was at the time the Government received the last information. Although he very much questioned the policy of the proceedings which suffered this matter to go on so far, yet he should be very glad to give every support in his power to the magistrates of the place, and, if it were deemed necessary, he would willingly go down that night to Birmingham. Very nearly the same language which was used at the meetings of the Political Union had been used at the recent meetings there, and he regretted that some prompt step had not been taken before this to stop it. The magistrates also that had recently been appointed under the new corporation in that town were, many of them, taken out of the class connected with the Chartists, to fill those most responsible and respectable situations, and some of them were actually Political Unionists and Chartists. There could be no doubt, that they were placed, at the present time, in a very difficult situation with regard to preserving the peace of Birmingham, when buildings were burnt and houses were attacked with fire and sword, and he believed some of them had encountered personal danger. He hoped and trusted that her Majesty's Government would give that attention to the state of affairs there which the situation of the town required, and that all concerned would exert themselves to prevent a repetition of those outrages.

Viscount *Melbourne:* The noble Earl has asked, if I understand him right, whether I can give him any information as to the present state of the town of Birmingham, and as to the riots and disturbances that have taken place there. The accounts that have been received by her Majesty's Government are of a very general nature, but I very much fear, from what I have heard, that the accounts that have been published in the public papers on the subject are too true. I understand that accounts have been received, stating that some houses have been burnt, and that some have been pillaged and plundered, and that the persons who did this mischief, and who committed this outrage, had been dispersed, and that the town is now in a peaceable state. How the riots had been permitted to break out, is a question which I will not enter into at present: nor am I able to state whether the authorities of the town are to blame for allowing these things to go so far. The noble Earl has asked whether there were a sufficient police force, and also whether there were a sufficient military force at hand for the maintenance of the peace of the town? I apprehend, unquestionably, that there is an ample force both of police and military for this, to effect so desirable an object. The noble Earl has also stated that he, as lord-lieutenant of the county, has not been applied to on the present occasion—that no application has been made to him, either by the magistrates of Birmingham, or any of the authorities of the place. Why that course has not been taken, I am unable to state at present, or to give any explanation of it. The noble Earl then proceeded to state what he conceived to be the cause of the present outrage, and in referring to that, he stated that the Political Union had been connived at by the Government. I will not go farther at present than deny, that the Political Union, or its proceedings, had been connived at by the Government of his late Majesty, or by that of her present Majesty, or that anything has occurred to justify the noble Earl in saying, that the conduct of those persons has been so entirely supported by the Government, that people naturally entertained the belief and conviction, that the conduct of those who have disturbed the peace of the town, upon the occasion the noble Earl has referred to, was upheld and supported by the Government. I can only say with respect to the meetings that have been held in the town of Birmingham, and with respect to the language used at those meetings, and to the opinions that have been expressed at them, that I have always, in the highest degree, disapproved of them. I have always felt, and have always given it as my opinion, that sooner or later it would lead to such results as have taken place; and, so far as I am concerned, instead of being surprised at them, my only surprise is that these results have not taken place much sooner, and upon a much more extensive scale. At the same time, I contend that her Majesty's Government has acted with perfect propriety and prudence in the course which they have pursued, and I think it would have been extremely injudicious if it had acted towards the Political Unions in any forcible manner. I believe the evils do not arise from the formation of these Political Unions, but that the evils arose from other meetings that had been held, and from language which other gentlemen had given themselves the licence to use at their meetings, and which they had been undisguisedly holding forth to the people, that it is by force and violence they are to carry their objects and their designs. I have always seen the danger of such proceedings at their meetings; but in the state of the law and the present state of the country, I have not seen, nor do I yet see, the means by which these proceedings can be put an end to, and I never knew a time or an occasion on which it would have been so extremely inexpedient to resort to stronger measures than have been taken. With respect to what the noble Lord has said relative to those persons having been supported in their proceedings by some expression of the Government, I can state with the utmost confidence, that they never had been supported in anything that was illegal, or that can be considered an infraction of the laws, or in anything which it was unbecoming a Government to support them in; and with respect to what was imprudent or dangerous, it was impossible for the Government to do more or take any stronger measures than expressing their disapprobation of the proceedings at the meetings.

The Duke of *Wellington:* in answer to what fell from my noble Friend near me, it appears from what fell from the noble Viscount, that there was no deficiency of any description—that there was no deficiency of either police or military, but it appears to me that there was a great deficiency of authority, a deficiency on the part of the magistrates to keep the peace; and I should like to know who are responsible for these magistrates. There was a corporation formed in the town when engagements had, as I understand, been entered into, that no corporation should be formed in that town without further investigation, and without the consent of Parliament. This was directly contrary to the advice that was given at the close of the last Session, that a corporation should not be formed there without having the express consent of Parliament. But not only has the corporation been formed, but magistrates have been appointed--not by the Government, not by the noble and learned Lord on the Woolsack, but by the Secretary of State for the Home Department, in consequence of recommendations in a manner, in my opinion, contrary to the laws and constitution of the country, and, as I believe, contrary to the wishes and intentions of Parliament, who, when they passed the Corporations Bill, understood and recommended that the magistrates should be appointed in the usual manner by the Crown, and not recommended by any party or any body of men residing within the corporate district. What has been the consequence? After a riot—a most disgraceful riot had existed for more than a week—for, I believe, upwards of ten days—this large town, one of the largest and greatest manufacturing towns in the kingdom, containing property to an immense amount, and one of the most respectable populations in the country, has been treated like a town taken by storm—houses have been burnt down, others have been pillaged, and property to an immense amount has been plundered and destroyed. I have been in many towns taken by storm, but never have such outrages occurred in them as were committed in this town only last night, and under the eyes of magistrates appointed, not under the Great Seal, but by the Secretary of State for the Home Department. In their presence, property was taken out of many houses and burnt in the public streets, before the faces of the owners of it, notwithstanding the presence of the police and troops, with ample means of putting an end to these disgraceful disorders. This state of things ought not to have been allowed to go on under the eyes of the magistrates, and also under the eyes of troops, without anything being done to prevent these outrages. It would have been impossible formerly, that these things could have gone on in this great country, once so peaceable and happy; but the peace, the honour, and the best interests of the country have been sacrificed by these disgraceful proceedings.

The Earl of *Warwick* said, that the noble Viscount denied that the Government had given any countenance to the Political Unions; but they appointed the very men who formed these unions to the office of magistrates; and they had even appointed delegate chartists of that town magistrates. He had written to the Secretary of State on this subject, and had remonstrated on the appointment of such persons as magistrates of the town. Such were the persons to whom the power of keeping the peace was delegated. On his applying to the Secretary of State, he was told that time would be taken for consideration; but these persons had at last been appointed. He could give, if it were necessary, a list of the names of the parties he had alluded to; but he did not wish to mention them unnecessarily, but he could assure the noble Viscount that six or eight of these new magistrates were political unionists, and there were three or four chartists now discharging the office of magistrates in that town. He had no wish to go on with this subject, but the noble Lord had almost compelled him to do so in self-defence. He could prove satisfactorily the statement that he had just made as to chartists being magistrates, from the account of the examination of one of that body that had been taken up at Birmingham. He alluded to the examination of Lovett, the chartist secretary, who was proved to have put out this statement as to the riots in that town:—

> "That this Convention is of opinion that a wanton, flagrant, and unjust outrage has been made upon the people of Birmingham by a blood-thirsty and unconstitutional force from London, acting under the authority of men who, when out of office, sanctioned and took part in the meetings of the people; and now, when they share in the public plunder, seek to keep the public in social and political degradation; that the people of Birmingham are the best judges of their own right to meet in the Bull-ring, or elsewhere; have their own feelings to consult respecting the outrage given; and are the best judges of their own power and resources to obtain justice; that the summary and despotic arrest of Dr. Taylor, our respected colleague, affords another convincing proof of the absence of all justice in England, and clearly shows that there is no security for life, liberty, or property, till the people have some control over the laws they are called upon to obey."

It went on a great deal further, but he would not trouble the House with more of it. As for the language used at the meetings of the political unions, from the position which he held in the county, he paid particular attention to it, and he had no hesitation in saying that it was as strong and violent as that used by the chartists. He did not find fault with many of those individuals himself, but he thought they were unfit men to be magistrates, and they ought not to have been selected for the appointment by her Majesty's Government, under the circumstances of the case.

Viscount *Melbourne:* the noble Duke said that there was a deficiency of activity and a want of zeal on the part of the magistrates, but he must excuse me for saying that that is begging the whole question. The noble Duke after making this complaint, said, that he could find no parallel case with it. Has the noble Duke forgotten the unfortunate affair at Nottingham, where a large building was burnt, while two troops of yeomanry were standing round, and within sight. No doubt they acted under mistake, as to the law, but they thought they could not act without the authority and under the orders of a magistrate. This was a mistaken view of the law, for it was out of the question that they should stand by, and see a felony committed before their faces. But these things arise suddenly, and I am informed that the police waited in this case also for the orders of the magistrates, who were not quite prepared, not expecting any tumult or disorder that night. I am not fully informed on the subject, and cannot explain the matter either clearly or satisfactorily. I can easily conceive and understand that a serious riot might arise without any fault attaching to the conduct of the magistrates. It might be attributable either to error or a mistake. I do not know whether that is so on the present occasion, but it has been so in former times. As at present informed, I know not what term to apply as being most appropriate to it, and I am not prepared to say, that it arose either from timidity, and still less from any indisposition on the part of the magistrates to do their duty. There can be no doubt that the proceedings at Birmingham are very lamentable, but at the same time, I cannot help thinking that the noble Duke greatly exaggerated the matter, when he said that he found no parallel for the treatment of this town in any place which he had seen taken by storm. This was going a little too far, when it appears that only two houses have been burnt.

Lord *Lyndhurst:* The *Globe* newspaper of this evening states that thirty houses have been destroyed.

Viscount *Melbourne:* I have not seen the statement alluded to, but the noble and learned Lord will have an opportunity of addressing the House presently. There can be no doubt but that the circumstances that have occurred are sufficiently lamentable; but I should think that in a town taken by storm more houses and property would have been destroyed than was the case at Birmingham. But I repeat, the thing is sufficiently lamentable, without persons of the authority and station of the noble Duke indulging in violent exaggerations on the subject. Then, as to the magistracy—in appointing the magistrates every thing has been done with the utmost fairness. The persons appointed are persons of great respectability, who either reside in the town or near the town, and who have a fair share in the business of the town. Such, I am assured, has been the composition of the magistracy, and with respect to the other matters of complaint that some of these persons have been members of political unions, and have used violent language, my opinion on that subject is, that it ought not to be a disqualification to serve as a magistrate. The use of strong language should not operate, in my opinion, as a disqualification. This opinion I have always entertained; and I am afraid, if we were only to appoint those who have acted prudently, that we should be put to very great difficulty in finding magistrates, and, above all, if they are to be confined to persons of certain opinions. If I had to look in particular to the town of Birmingham for persons of sound discretion, for persons who had never committed errors, who have never used violent language, or have never broached dangerous or extravagant theories, I confess I should not know where to find them, or to whom to apply to find them for me.

The Duke of *Wellington:* I am rather surprised that the noble Viscount should bring a charge against me of having indulged in exaggerated statements; but I am still more surprised that the noble Viscount, considering the situation he holds, should only have known the state of things in Birmingham by the public accounts which he has seen, and that he should not know anything about the matter, or whether the riots were owing to the absence of magistrates, to the absence of troops, or to the fault of the troops standing by, or to anything similar to that which happened at Nottingham some years ago. In short, the noble Viscount knows nothing at all about the matter; and I confess that I could not hear him make his statement without some expression of astonishment. This is not the way in which a country should be governed. I said that I had seen several towns taken by storm, and that I had never known one so treated as the accounts state that Birmingham was treated last night. The noble Viscount now says he knows little about it, but he believes that all that happened was, that two houses were burnt. But was the noble Viscount aware that a great many others were what is called gutted, and the property and furniture taken out and burnt in the street. This, my Lords, is an outrage which I never before knew to be committed in this country, nor to my knowledge, at any siege that I have been present at. It is really horrible to think that such scenes should occur in a town like this, and that other events of a very similar character should be taking place in some parts of the North of England, and that the Government should have taken no notice of them. They do not seem even to intend to do anything.

Viscount *Melbourne.* Why does the noble Duke say that. When did these things happen? The night before last! [A *noble Lord*—last night]—last night! How is it possible that the Government could have hitherto done anything in the matter. Why does the noble Duke say that nothing has been done? What right has he to suppose that no measure is intended by the Government? I say, my Lords, that during the time these disturbances and gatherings together at night have occurred in Birmingham, every step possible has been taken by the Government to prevent outrage and danger to life and property. What reason has the noble Duke for imagining the Government will neglect their duty on the present occasion? My Lords, I say the Government have never neglected their duty with regard to the preservation of the peace of the country, and the noble Duke has no right to assume that we shall neglect our duty now.

The Duke of *Wellington:* What I said, my Lords, and what I now repeat is, that these riots have prevailed for the last ten days, and no steps have been taken to put them down effectually—to punish the magistrates, who have neglected their duty—or those who have taken part in the riots, although several of them are in Warwick gaol for it at the present moment. I repeat, nothing has been done.

Earl *Fitzwilliam* thought the noble Duke was going much too far when he asserted that nothing had been done, and when he called for the punishment of the magistrates. What right had the noble Duke to assume that they had not done their duty? It was merely an assumption on the part of the noble Duke, and he (Earl Fitzwilliam) and their Lordships had as much right to assume the contrary. It appeared to him that the noble Duke, in his desire to make charges on this occasion, had lost sight of what was just to the parties. If they had been criminal, that they ought to be punished there could be no doubt; but it savoured somewhat of injustice towards the magistrates of Birmingham to say, that it was a charge against the Government that they had not punished the magistrates for that neglect of duty which the noble Duke at the present moment was incapable of substantiating against them. But let him recal the recollection of the noble Duke and the noble Lord the lord-lieutenant of Warwickshire to the fact, that this was not the first riot which had taken place in the town of Birmingham that had been attended with consequences quite as disastrous as those which had now taken place, which, on comparison with those to which he had alluded, were not worth mentioning. And let noble Lords consider under whose auspices and under what Government this had taken place. He would call to the recollection of the noble Lord, who must be better acquainted with the history of Warwickshire than he could possibly be, that of 1789 or 1790. The noble Lord did not like to have that recalled to his recollection, when the high church mob destroyed the houses of Dr. Priestley and those who entertained opinions similar to those which Dr. Priestley held. If his noble Friend were to be blamed for what had now occurred, let the same test be applicable to the ministers of that day, and he should like to know if the noble Lord would try and condemn them on the same test. All he asked was, that noble Lords who were so anxious to seize this as a favourable opportunity for making charges, would recollect that similar occurrences had taken place at other times, and that if any charge was now made, a similar one ought to recoil on those who were in authority at that time. He trusted that justice would be done to all parties who had been guilty of this outrage, and if it could be proved that there had been any criminal negligence on the part of the magistrates, that these magistrates had connived at the outrages of the people, had wilfully and intentionally connived at them, then let them be tried and punished; but not at the present moment when nothing whatever was known of the real facts of the case.

The Marquess of *Londonderry* could not help being struck with the degree of lightness with which the noble Viscount had treated this subject, and also with the nature of the answer he had given to what had been stated by the noble Duke. The noble Viscount also had surprised him by charging the noble Duke with being morose on this subject. [Viscount *Melbourne:* I never used the word "morose."] Yes, you did [*Cries of* "*No, no.*"] Yes! and the noble Viscount did this at the very time when he admitted total ignorance of the details of these occurrences at Birmingham. These riots had been going on in Birmingham for days, and yet the noble Viscount could not tell in what state the town was at this moment. There was not a noble Lord in the House who was not equally as well informed upon that point as the noble Viscount. It really did seem to him to present a lamentable instance of ignorance and want of interest on the part of the noble Lord and the Government. But, after so much had been said about Birmingham, he would ask the noble Viscount, if he had any accounts from Newcastle and Sunderland? Had the noble Viscount any information of the number of pitmen that were now assembling in those places, as the Chartists were doing in Birmingham; and were any preparatory measures being taken to prevent an outbreak of such conduct as had been shown at Birmingham? These things were not to be treated in the light way the noble Viscount would attempt to get over them. It might be very well for the noble Viscount to treat his statements of the atrocities that were perpetrated in Spain with lightness, and in the noble Viscount's usual good-natured way; but he might rest assured that such a mode of dealing with outrages like these, commenced in a large manufacturing town, would not do for the people of England.

Viscount *Melbourne* did not remember ever having treated any statement of the noble Marquess of the atrocities in Spain, or any other atrocities, with lightness. He had certainly had information from the towns which the noble Marquess had mentioned, that a great deal of alarm existed there; and, of course, measures would be taken to preserve the peace of those towns.

Lord *Wharncliffe* could not feel surprised at the want of authority on the part of a magistracy, such as those constituted by the Municipal Corporation Act. At the time that Act was pending, the noble Viscount and his Colleagues were warned of the consequences that must ensue—that the magistracy in such a corporation as was then proposed to be given to Birmingham, and other towns, would necessarily be elected on mere party considerations, and that from the nature of their position with regard to the populace of those places, they would not possess that amount of moral weight that was necessary to secure efficient magisterial authority in the event of any outbreak. He was surprised that the noble Viscount should suppose that the people of Birmingham, who had been all their lives used to agitation, should all at once calm down and obey the authority of the law. He need scarcely advert to the case of a Mr. Muntz, one of these Birmingham magistrates, who was engaged in agitating the people up to the very moment of his appointment. How was it to be expected that such a person could command the respect and obedience of the people as their magistrate? How could it be expected, that when he had been all along leading them on, they would all of a sudden turn round and obey him when it happened to be his duty to recommend a contrary course? It was his firm belief, that the manner in which the magistrates had been appointed in all the towns that had received corporations, and the party course they had adopted, had very much increased, if they had not led to, all the disturbances that had taken place.

The Marquess of *Lansdowne* did not rise to offer any opinion as to what had occurred at Birmingham, because he was confident—and in that he begged wholly to differ from the noble Duke—that it was impossible for either the Government or the House, or any individual, to form a correct opinion as to what had passed at Birmingham, and that, if the Government were rash, or to use the expression of the noble Marquess "light" enough to form an opinion, and act upon it in the present state of the case, and upon what had already transpired, they would be in the highest degree criminal, and would make a most improper exercise of their public functions. Entertaining these sentiments, then, and, therefore, without entering at all into the question, he rose merely for the purpose of stating a few facts, which would prove to their Lordships how extremely improper it would have been for the Government to have announced any opinion, or to have acted upon any partial account of the circumstances. The last accounts received from Birmingham were dated half-past twelve last night; these were from the mayor of Birmingham; and at half-past two that morning from the superintendent of police. Both the mayor and superintendent of police stated, that it was impossible for them to bring the whole facts in that dispatch under the consideration of the Government, because they were at that time actively and unremittingly engaged in the preservation of the public peace. Were they or were they not right in thus devoting themselves to that object? By their exertions, the public peace had been subsequently preserved, and it was for them afterwards to make known the circumstances to the Government, and for the Government to act on those facts—duly weighing and considering them when fully, not partially, known—but it certainly was not the duty of Government to proceed to punish the magistrates, or any other of the parties concerned, merely upon imperfect accounts of the transactions received only ten hours after the events had occurred,

The Duke of *Wellington*: Notwithstanding what has just fallen from the noble Marquess, I must repeat what I before said. It appears clear that her Majesty's Government knew that some disturbances had taken place at Birmingham; yet, when the noble Viscount was appealed to, he knew nothing at all of the matter. I read the accounts of all these matters in the newspapers, and I concluded the noble Viscount would have plenty of information on the subject. What also led me to suppose the Government would know all about the matter was, that it appears that troops and police were actually in the town while these outrages were occurring. As the noble Marquess has got up to correct me, I am obliged to him for his correction; but what I said was, that although there were troops in the place, a very gross outrage was committed; houses were burned and plundered; they were even gutted, and property was taken out and destroyed. Very likely the noble Marquess may have other authority; my authorities are the newspapers; and it seems clear that what I state is the fact—that the houses were gutted, the property brought out into the streets, and there burned. I say again this peaceable town, this rich manufacturing town, was worse treated than any town ever was treated when taken by storm. I say this from my own knowledge. I have received the correction of the noble Marquess, and I bow to it, but notwithstanding that correction I shall venture to draw another conclusion, and I hope this will be correct. It appears from the newspapers, for of course ministers know nothing, that the mayor and the police superintendent did not interfere with the troops and police until after these outrages had been committed—not until after the town had been burnt and plundered, and the property destroyed. The conclusion I draw is, that the magistrates who acted in this way were highly culpable. The noble Earl called our attention to former outrages at Birmingham. Why, my Lords, if Birmingham is so liable to these misfortunes, it is another reason why her Majesty's Ministers, on the first intimation being received of these riots—and it seems they knew of there being disturbances ten days ago—should have taken the hint from that information and those disturbances, and have taken some steps to prevent outrage, and preserve the peace there. I have no hesitation in saying, that the former disturbances at Birmingham were well deserving the attention of Government. There are means (such as issuing a special commission) of making known the sense of the Government in regard to those transactions. There might be an inquiry instituted into the conduct of the magistrates—the noble Marquess knew something of this manner of proceeding—at all events something ought to be done to mark the opinion of Government relative to this important subject. But it appears that we are all wrong—that nobody has any right to notice any of these things. It seems your Lordships must take care what you are about, lest you should fall under the lash of the noble Marquess; and if a town is burned and plundered, you must not mention anything about it, because the noble Marquess will attack you for being so unjust as to say wrong has been done. I fully acknowledge the justice of the correction I have received from the noble Marquess: all I hope is, that I may not have another for having made these observations.

The Marquess of *Lansdowne* had not denied the right of the noble Duke or of any other noble Lord to advert to the circumstances of this outrage, or to form an opinion on them; but what he did say was, with great submission to the noble Duke, that her Majesty's Government were not wrong in abstaining from forming, within seventeen hours of the occurrence, an opinion on the circumstances which had taken place in the town of Birmingham; and still more were they not wrong in abstaining from punishing individuals in the present imperfect state of information; and he still adhered to that opinion. The noble Duke stated that wrong had been done. Nothing was more easy than to ascertain that fact; but it was not quite easy within seventeen hours after the events happened to ascertain who were the doers of the wrong. He maintained that it was not a hasty opinion that was called for from Government, but an anxious and mature deliberation before they proceeded to act.

The Duke of *Wellington* was sure the noble Marquess would not willingly or knowingly have misrepresented what he had said. He had not alluded to the magistrates, but to another set of men, to those who had been guilty of riots a few days ago. Might not those persons have been brought to trial, by means of a special commission, or by some other mode?

The Marquess of *Lansdowne:* There are a great number of persons taken up, and awaiting their trial.

Discussion dropped.

South America.] Viscount *Strangford* said, having in the early part of the Session given notice of his intention to bring before the House the proceedings of the French in South America, it was then his intention to have adverted principally to what had occurred in Mexico, but having learned, from what had been stated in another place, that negotiations were still going on between Mexico and France, under the mediation of this country, he was anxious to avoid doing anything that might possibly disturb these negotiations, and he should, therefore, abstain at present from his proposed observations. Had he acted upon his original intention in regard to this subject, he should have taken the liberty of calling the attention of their Lordships to the conduct of France towards several of these South American States, and he should have felt it his duty to lay before their Lordships an account of the general system she seemed to have pursued in regard to them—to call their attention to the factious eagerness with which the most trifling and frivolous circumstances were taken up and magnified and converted into questions of national importance—to the profit, territorial, financial, political, and commercial, which France uniformly contrived to extract from all such affairs—and the losses to which the subjects of the British Crown in that part of the world were subjected in consequence of them. On the present occasion, however, he would content himself with the presentation of a petition which had relation to one of the questions arising out of this subject, the protracted blockade of Buenos Ayres which had now lasted several months. The petition was signed by upwards of 300 of the first merchants, traders, and ship-owners in this great metropolis—an expression of public opinion so strong that he had yet to learn that her Majesty's Ministers possessed that favour and popularity in the City of London which would entitle them to disregard it. He would not trouble their Lordships with any details of the original dispute between France and Buenos Ayres; at the close of the last Session, he had had the honour of laying them before their Lordships, when he proved, that the course pursued by the noble Viscount opposite was, in point of justice, equality, and international law, utterly groundless and unjustifiable. For the sake of argument he would admit, that France had the right to make the demands she had made on Buenos Ayres, and to enforce them to the extremity of war; but what he did not admit — on the contrary, would always most strenuously deny—was, that courses which, in themselves, and on their own ground, might be perfectly justifiable, might be pursued by unjustifiable means. That the proceedings of France towards Buenos Ayres had been unjustifiable he would now proceed to show. Buenos Ayres, in addition to the misfortune of having so powerful a state as France for its enemy, was unfortunately subjected also to the still worse evil of a civil war among a portion of her own subjects—a war which he had no hesitation in declaring had been fomented by the agency of the servants of France. This could be proved by documentary evidence—by a collection of state papers which he now held in his hand. Unlike other papers they had recently seen, these were all widely published by the authority of Government. They contained no transcripts of documents surreptitiously obtained and discreditably made public, nor would they give rise to any discreditable disclosures as to who purloined them in the first instance, and by whose connivance they were afterwards published to the world; they were openly communicated by the Government, not put forth in an underhand manner by those who were "willing to wound and yet afraid to strike." It appeared that the French landed their troops on, and took possession of, an important island called Martin Garcia, an act which seemed to call forth the remonstrance of her Majesty's Government, for they called on the French minister for an explanation. The explanation was given, but it was not satisfactory; for from papers laid on the Table of the House of Commons on the 9th April last, it appeared that Lord Granville was instructed to make a further application to the French Government on the subject. This was Lord Granville's letter:—

"Paris, March 7, 1839.—I have received from Viscount Palmerston a copy of your Excellency's dispatch to Count Sebastiani, relative to the proceedings of the French naval forces, on the coast of Mexico and in the Rio de la Plata; and I am instructed to request that your Excellency will be pleased to inform me, for the satisfaction of her Majesty's government, whether, in stating that the French government had no intention of retaining permanent possession of the island of Martin Garcia, nor of altering the state of possession as between the Argentine republic and that of Monte Video, I have correctly reported the substance of your Excellency's assurances."

To this letter Count Mole returned the following answer:—

"Paris, March 11, 1839.—I have received the letter which you did me the honour to address to me on the 7th of this month. Your Excellency invites me to inform you whether you have correctly understood the purport of the assurances which I have given to you, in writing to your court that the Government of the King had no intention of retaining permanent possession of the island of Martin Garcia nor of altering the state of possession as between the Argentine Republic and that of Monte Video. I have no hesitation in here confirming the correctness of this interpretation of my words.

Nothing could have been more satisfactory than the terms of this engagement; yet France had handed the island over to the revolted subjects of Buenos Ayres, as a reward for that rebellion which France had herself fomented by her agents. This fact he took as one part of the proof that France proceeded by unjustifiable means to accomplish a justifiable object. France had also established a system of blockade, as against Buenos Ayres, that was quite contrary to the laws of nations. They had extended their blockade over the whole sea territory of Buenos Ayres. So much for the principle of the blockade; now for the manner in which it was enforced. A blockade, it would be admitted on all hands, ought at least to be impartial, all flags and ships whatever ought to come under its operation. This, however, was not the kind of blockade maintained by France. And what were the ships exempted? Not the flag of England? Not the flag of France. Not the United States flag, nor that of Austria or Sardinia, or Spain, or any maritime power, but the flag of those very insurgents whom France had herself incited to revolt, and whom she invited to continue that revolt by offering this free passage to their ships so long as it lasted. He looked at this as another violation of the right of blockade—another result of the alliance between those insurgents and a country of whom it was unworthy. The conduct of the French had been a violation of the treaty of Buenos Ayres, and of those boundaries secured by Great Britain herself at the last treaty of peace between Buenos Ayres and Brazil. Great inconvenience would be produced if France were allowed, at her will and pleasure, to parcel out the boundaries of these small states. There was as much a balance of power in South America as in Europe, and it was a very unsafe principle to allow of the interference of any European state in a way that might endanger that balance of power. There was another matter to which he would allude, which did not bear immediately on the subject, but which nevertheless bore a curious reference to it. This revolt had not only destroyed the resources of the government of Buenos Ayres, but had also affected its constitution, and had reduced it, in fact, to a positive nullity. The constitution of Buenos Ayres was based on the principle of delegation, but France had abscinded many of the states from the parent country. The effect of this must be obvious—that the power of obtaining consent to any measure was gone; and yet there was France clamorous for a treaty, saying it must have a treaty of commerce, having by its own means destroyed the only power by which it could be granted. France had maintained a most expensive naval force at Buenos Ayres for upwards of sixteen months; and it could not be denied, that the professed object in doing so was to recover the payment of a debt of between 6,000*l.* and 7,000*l.* sterling. The evils produced by this blockade, however, had not been confined to the mere effect produced by its continuance, for the French squadron had seized a number of small British vessels, or at least vessels under the British flag, and with British authorities on board. They had sent them to Monte Video to be sold; and the lawful governor refusing to allow the sale to proceed, what did they do? They put down this conscientious governor, and set up another in his place, who allowed the vessels and their cargoes to be disposed of utterly regardless of justice. He was sure, however, that the Government of this country would not permit such proceedings to pass unnoticed, but that they would procure some reparation to be given at some time or another. No inquiry, it was to be observed, had been made as to the vessels being lawful prizes; but the fact of their being brought in as prizes was deemed sufficient, and adjudication and sale followed. It would be easy for him, if he were disposed to enter into details, to exhibit the effect of these proceedings on the trade of this country in Buenos Ayres; but he would not detain their Lordships by proceeding in that manner, but would content himself with stating the result of the observations made by Sir Woodbine Parish. He had been able to complete his remarks up to the year 1837, and they showed, that a most important means of trade had been opened to the British manufacturer by the emancipation of Spanish America, and that the value of British trade there exceeded that of the trade of any other foreign country; and that Spain had not taken so large a quantity of British manufactured goods as was sent there. Such was Sir Woodbine Parish's opinion sixteen months ago, but the same state of things no longer existed. There was no doubt that the country was still able to carry on trade as extensively as before with England; but he most sincerely regretted, that its position prevented the continuance of the former system. Sir W. Parish had not thought this state of things altogether so prejudicial to our interests, or so unjustifiable, when he thought, that it was likely to be determined through the medium of the Government; but he lamented sincerely, that he had found from a letter which he received from Mr. Backhouse in the month of May last, that there was no hope to be entertained of a speedy termination of the blockade being obtained through their instrumentality. Mr. Backhouse having acknowledged the receipt of a letter from him, dated on the 22nd of May, went on to say, that he was directed by Viscount Palmerston to communicate to him, that her Majesty's Government had not been informed, that it was the intention of the French Government to raise the blockade at Buenos Ayres, or to adjust the differences existing between that country and France by accepting the mediation of Great Britain. Sir W. Parish conceived, however, that her Majesty's Government might at once terminate the blockade by the employment of a sufficient naval force. Their Lordships would recollect how matters were settled at Mexico. There the belligerent parties might have gone on waging war to the present time but for the appearance—the tardy appearance, he admitted, but the successful appearance—of Commodor Douglas with an efficient naval force. The petitioners upon this point expressed themselves most appriately. They said they could not but declare their conviction, that the commerce of Great Britain stood in need of a greater protection, by means of naval force, than it now received; and that when it was considered how large a portion of the revenues of Great Britain were derived from its commercial transactions, they took the liberty of impressing upon their Lordships the necessity of giving an adequate and complete protection wherever it might be required. The petition bore the signatures of the houses of Messrs. Baring and Co., and of Messrs. Rothschild and others, who were not persons of small importance, but who were merchants who were acquainted with the state of trade, and who knew well, that the exports of manufactured goods to Buenos Ayres was greater than those to any other port in South America, and that the loss occasioned by the proceedings of the last sixteen months was almost incalculable. He knew nothing of the state of the naval force of this country on this part of the South American station, except from the letters which he had received from merchants and others interested in this question. The accounts conveyed to him might be correct or not, but they all concurred in representing, that the utmost extent of our naval force there from the commencement of this transaction was three sloops of war, which had never yet been seen together at any one time. Sometimes two had been seen, and sometimes one, but sometimes none at all; and at the very time at which a bombardment was threatened at Buenos Ayres, the only ship of war which was there had suddenly departed on a voyage from which she could not return for six weeks, leaving the whole of the English population unprotected in case of the French carrying out their intention. He did not mean to blame the noble Earl, the First Lord of the Admiralty. He was sure, that that noble Earl felt the most anxious desire, that the naval system of this country should be placed on a proper and respectable footing commensurate with its interests; but what he did blame was the miserable and stingy system which existed, which crippled and rendered inefficient for its proper service that great arm of the national power, and he could never be persuaded, and he was sure the petitioners who addrest their Lordships would never be persuaded, so long as the existing state of things continued, that the naval force of the country was adequate to meet the emergencies and the contingencies which might spring up. He desired economy as much as any man, and he was one of those who thought that it would have been better that the enormous expense which had been lavished on the idle expedition to North America, had been given to the maintenance of our power in South America. We should then have something to show for our money, instead of having only one of the least readable reports which had been ever laid upon the Table of that House, and which had been produced, after having been first submitted to the consideration of private Friends as a return. It was a fact, that this country had called those States into political existence, and having done so, something more was due than the scanty support which had been given.

Viscount *Melbourne* said, that the noble Viscount had not in any way exaggerated the importance of this subject, or the amount or extent of the trade affected by the blockade at Buenos Ayres, in the speech which he had just addressed to the House. He believed the trade to be one of the most beneficial trades of this country. It was a trade consisting principally of exports of manufactured goods, and was, therefore, most beneficial to the country. He did not mean to say, that great sufferings had not been experienced; but it appeared to him that the trade, which in the accounts formerly received had been described as in a very flourishing state, was by no means so entirely depressed and broken down as the noble Viscount had stated. It was exceedingly probable that the effects of a long-continued blockade would be to produce such an effect. Their Lordships must be aware of the disadvantages attending blockades to all neutral powers, which must of necessity suffer, and whose interests must be affected by the carrying on of hostilities; but they knew that the right to blockade was not only exercised in war, but was often exercised previously to a war; and further, that it was a right in the exercise of which this country had not been sparing. They knew that England had instituted blockades of greater extent and magnitude than any other country which possessed power or dominion over the seas, and that the British government had enforced them with the strictest severity. If so, they might at least be prepared to accede to others the right which they had themselves exerted, and submit to those inconveniences which, when it suited their interest or their honour, they had exercised so determinedly and so decidedly. He thought, that in considering this subject, that general principle of fairness and equity must of necessity be adopted. He had no hesitation, however, in saying that these blockades were great misfortunes. They caused the greatest sufferings—they ought not to be instituted on light grounds, and when instituted, they should be put an end to as speedily as possible; but at the same time, it was impossible that England should constitute herself an arbiter, and say that this blockade was not just, and had no ground or foundation, and therefore should be abstained from. To do so would be to commit an act of hostility towards one party or the other, and by that means make herself a principal in an affair in which she ought not in such a character to appear. The noble Lord had abstained from going into the case of Mexico, and also from going into the grounds of the dispute which had taken place between France and Buenos Ayres. It was very well known that the conduct of the States had been on several occasions such as could not be justified. This country certainly had great reason to complain of their conduct, which, however, he did not mean to press upon the attention of the House upon this occasion; but it was to the highest degree to be desired that there never had been sufficient reason for instituting this blockade; and it was also to be equally sincerely hoped that it would terminate as soon as possible. He had never pretended to justify the conduct of France, to which the noble Viscount had adverted, in the course which it had taken in respect of the internal disputes of these States; but at the same time, the House was perfectly aware, that it would not be prudent to press this topic either. With respect to that particular matter adverted to in this petition, namely, the extension of the blockade to the greater part of the coast of South America, of course, if it were not enforced with a sufficient armament, by the law of nations, it must be acknowledged that it must cease. With respect to the island of Martin Garcia, a promise had been held out by the French government, that it was not their intention to retain that island, and he had no doubt that it would be strictly and bona fide fulfilled; but he was not prepared to give any explanation of the course which they intended to pursue beyond what was conveyed in the distinct promise which had been given, that they were not going to continue to occupy it. It was unquestionably the sincere desire of the Government that the existing differences between France and Buenos Ayres should cease and be settled, and that this blockade and all disputes should also terminate. There was unquestionably at ordinary times a sufficient force in these seas for the protection of the commerce of this country. He did not think that it was a very prudent observation which had been made by the noble Viscount, when he stated what he conceived to be the moving cause of the settlement of the affairs of Mexico. Considering the effect and the impression which that remark might produce, he did not think it prudent that he should have made it, or that he should have put the case in the way he did. In reference to the naval force of the country, however, he need only say, that if there were any necessity for an alteration in its amount, of course there would be no slowness in making it; but whatever might have been the conduct of former governments in France, there was every reason to expect from the present Government that there was a very great anxiety to terminate and settle all unfortunate disputes with all nations in those seas, without much further delay, and he had the strongest hopes that the desired result would soon be accomplished.

Lord *Ashburton* should like to know if this kind of blockade had previously been resorted to where no state of war existed? He had no recollection of its having been resorted to unless the blockading party was in an actual state of war with the country. That was not the case in this instance. So little had France respected the right of blockade in other nations, that the merchants who were complaining in the petition stated, that in the case of actual war between the two states of Chili and Peru, in which there were considerable armies of those countries acting against each other, France had denied the right of Chili to blockade the ports of Peru, with which she was actually at war. What he feared was, that for want of a friendly communication between two Governments, that stood in the friendly relation in which the Government of this country now fortunately stood with France, this principle of blockade had been used for mere commercial purposes, without any distinct declaration of war. This had been the case at Senegal, on the coast of Africa, and was the case with Mexico and Buenos Ayres. Such conduct required watching and checking on the part of this country. No man could be more persuaded how desirable it was, that these two great countries should be on terms of good understanding and peace with each other than he was, but he was quite sure, that that peace and good understanding would be best preserved by not allowing any encroachments. These were encroachments which, if suffered to continue with impunity, would at last force England into some breach of the peace with France. The differences between France and these new States of America had generally appeared to him to arise from a strong assertion of power on the part of some consul or commander of a post on the part of France, who had assumed to himself a power which the Government at home was not aware of. The Government of Buenos Ayres would not permit Frenchmen to be concerned in the trade of the country, at which France had taken umbrage, this was an act which every independent country had a right to maintain. We did not permit foreigners to establish retail shops in the city of London independent of the Government. The question was, whether these states of America, because they were feeble and weak, were to be what was commonly called, "bullied and threatened" because they attempted to support their own rights. This blockade of Buenos Ayres was not punishing that country alone, but was punishing this country, and all the countries that traded with it. He would press on the noble Viscount to ascertain if it was customary to resort to a blockade with a country where a war was not declared?

Lord *Lyndhurst:* We have done it.

Viscount *Melbourne:* France is at war with Mexico, but not with Buenos Ayres.

The Earl of *Aberdeen* wished to mention a fact with regard to this country having exercised such a state of blockade without being in a state of war. Such a blockade was exercised by this country two or three years ago against the state of Colombia, and was instigated for the purpose, as the French allege, of negotiation. It was a very cogent means, for in three or four weeks we obtained what we wanted to negociate for.

Viscount *Melbourne* said, we had seized vessels on the high seas without a declaration of war, which was a much stronger act than a blockade.

Lord *Ashburton* said, this was a blockade without any declaration of war.

Petition laid on the table.

BILLS OF EXCHANGE (SECOND BILL).] The Marquess of *Lansdowne* moved, that the House go into Committee on the Bills of Exchange (No. 2) Bill. This bill was altered from the bill which that House had sent down to the other House of Parliament; certainly, not altered with the intention, nor with the effect of extending the provisions of that act, but rather with a view of simplifying the provisions of that act.

Earl *Fitzwilliam* said, it had perhaps been his own fault, that he had not been in the House to exhibit to their Lordships the grounds on which this bill had been brought forward. He was not sure whether he was right in attributing it to the recent proceedings on the part of the Bank of England? [The Marquess of *Lansdowne*: It would have been proposed without that.] However, that proceeding on the part of the Bank of England was, to a certain degree, connected with this measure. The effect of it would be, to allow a higher rate of interest on bills of exchange than was now allowable by the usury laws. He was not sure, whether any one in that House ever called the attention of the House to that proceeding on the part of the Bank, either in relation to the effects which it was likely to produce, or to the causes which had led the Bank of England to take that course. It certainly was a matter of the very greatest importance to the commercial world, and they would give him leave to say, that he was not quite sure whether their Lordships were all of them entirely disinterested persons in this transaction; he really could not say that all their Lordships had their landed estates clear from debt. And, undoubtedly, though the effect of this bill did not relate to those debts which affected land, nevertheless, any law whatsoever which had a tendency either to raise the interest of money, or to legalize a higher interest for money, had ultimately the tendency of raising the interest of money, even to their Lordships; therefore, they were not quite disinterested persons. That was not the view of the question on which he had ventured to say a word on this occasion; because, in his opinion, it would be far better, both to lender and borrower, that they should not be bound by any of those laws which regulated the interest of money. But he wanted to know whether there was any person in that House that represented the Bank of England, and who, on its part, could state what were the grounds (there were one or two persons who had attended very much to the subject) and what had been the causes which had led the Bank of England to take this step, and what was the object they had in view in this undertaking. He should be very glad to have some explanation afforded to their Lordships, because he was sure it was of great interest to the commercial world, and it was exceedingly desirable that they should come at the real cause which had led the Bank of England to adopt this course. He had his own opinion about it, but that opinion he should not state.

Lord *Ashburton* said, the motive was supposed to have been to advance the rate of interest. He was as little able as the noble Earl to answer for what the Bank of England had done. He conceived the Bank to have been very much mistaken in its view of this subject. If it were desired to go into the question of the bill on the present occasion, he should have to trouble their Lordships with some alterations. His noble Friend, who had now charge of the bill, seemed to speak of it still as a bill to carry more effectually into operation the original bill, which had come down to that House for facilitating the negotiation of bills of exchange and promissory notes. But the bill was totally changed. The bill not only asserted that promissory notes should be exempt from the laws of usury, but that the laws of usury should be totally done away with for all contracts. He was not aware that a more sweeping expression could be used to cover every loan. If their Lordships had to decide on this bill, it would not be as originally, to afford facility for the negotiation of bills of exchange, but they would have to decide whether they were prepared to enact, that the laws regulating the interest of money, should be totally done away with, which was the object of the bill. He would draw the attention of their Lordships to the manner in which the principle had gradually grown upon them. The original proposition was put into the Bank charter, and it was to provide that bills of exchange and promissory notes, not having more than three months to run, might be negociated, without reference to the usury laws. About two years ago it was stated, that a further extension of that principle was necessary—that bills of exchange were in circulation of a longer date than three months, and it was a great inconvenience, that bills coming from India should not be negotiable; and a bill was brought in to make these bills pass at any interest. That bill was thought quite a sufficient stretch of this principle. Afterwards, his noble Friend (Lord Lansdowne) had introduced an extension of the principle to stock securities; and afterwards, on the third reading of the bill, he had extended the principle to goods and merchandise. The bill went to the other House, and it was there found to be a total violation of the Pawnbrokers' Act, and that by it they were laying the poor open to extortion and usury. But not content with these advances, by the present bill they extended that principle to contracts of every description. Opinions had been held, that money, like everything else, should be freely traded in. He confessed that he had certainly come to the conclusion, when he considered the artificial state of society, and the complicated state of engagements which existed, and the dangers which might arise from extortion in the loan of money, that this was one of those cases in which the general principle of throwing open an article to competition did not apply. There was a necessity of protecting those who were not wise enough to protect themselves; or who, if wise, were too much led away by their passions to protect themselves; and that degree of protection which the Legislature had thought it right to throw around society, he saw no necessity of doing away with. The noble Lord had said, that these kind of improvident transactions had always taken place, but he (Lord Ashburton) could assure him, that the extension of the usury laws which had taken place, had enormously increased these transactions. Hitherto, however, there had been difficulty and delay in obtaining money; but with the facilities they were about to give, a young man in a gambling-house might find a money-lender at his elbow, with pen and ink, ready at once to lend him money, and which might in some cases, be productive of the worst consequences. It appeared that the Bank of England, having too much paper out, thought that this proceeding would be a convenient mode of getting it in, but they forgot that the country banks, having a claim upon them for advances at the rate of three per cent., would call in those claims, for the purpose of lending money at six per cent. There were many other methods which the Bank might have taken to reduce the general circulation, if that were desirable, without going the length of alarming the community, and producing also great and cruel inconvenience, by forcing upon the less important classes of traders that high rate of interest which they were now obliged to pay. He feared, that if the bill were passed in its present shape, confusion might be introduced into the transactions connected with bills of exchange, and a door opened to frauds of various kinds.

The *Lord Chancellor* said, that the present bill would really introduce no material change beyond what had been already made by the last.

Earl *Fitzwilliam* said, what he wanted to know was, what had been the moving causes of the late proceedings and operations on the part of the Bank of England, and why that body had thought it necessary to take steps in which it must have some views to its own interests, and which might most seriously affect the monetary interests of the country? It was impossible but that there should be some explanation to be given of this, although their Lordships had not yet heard one, any more than, as he believed, the other House of Parliament had, and it seemed desirable that they should be no longer kept in the dark.

The Marquess of *Lansdowne* said, it was impossible for him, or his noble Friend near him, to give a satisfactory answer to the questions of the noble Earl, because the proceedings referred to had been taken by the Bank, solely with reference to its own interests. He might add, too, that the connexion between the Bank of England, and this bill, did not arise out of that transaction, but the former bill being about to expire, it had become expedient to consider whether it should be renewed or not in this measure.

House in Committee, through which the bill passed.

The House resumed—bill reported.

PRISONS (SCOTLAND.)] The Lord Chancellor moved the Order of the Day for the House resolving itself into Committee on the Prisons (Scotland) Bill.

The Earl of *Mansfield* observed, that he had not objected to the second reading, neither should he object to going into Committee on the bill, though he reserved to himself the right of dissenting from some of the details of the measure, and he hoped that some of them would undergo material alteration.

House in Committee.

On the clause respecting the constitution of the Board being proposed,

The Earl of *Mansfield* moved, that a proviso be added, to the effect that inspectors of prisons should not be directors of the board.

The Earl of *Aberdeen* objected to the amendment, as the bill did not provide that inspectors should necessarily be directors of the board.

Amendment negatived, the clause agreed to.

House resumed.—Bill reported.

HOUSE OF COMMONS,

Tuesday, July 16, 1839.

MINUTES.] Petitions presented. By Colonel Trench, from Stationers of Scarborough, against using Stamped Envelopes to collect the Postage of Letters.—By Mr. Horman, from East Kilbride, against a further Grant to the Church of Scotland.—By Viscount Castlereagh, from Donaghadee, against any further Grant to Maynooth.—By Mr. Easthope, from Leicester, Nottingham, and various places, for the Abolition of the Stage Coach Duties.—By Mr. Hume, from Slane, and Collon, against the renewal of the Bank of Ireland Charter; and from certain Artists, for an investigation into the management of the Fine Arts.—By Mr. Hodges, from Landowners in Kent, for an Amendment in the Tithe Commutation Act.—By Mr. Wakley, from the parishes of Holborn, against the Collection of Rates and Poor-law Commission Continuance Bill; from the Working-men's Association of London, for an Inquiry into the cause of the Birmingham Riots.—By Captain Gordon, from Aberdeen, and Irvine, for a Uniform Penny Postage.

COURT OF EXCHEQUER.] Mr. *Freshfield* said, that his object in rising to address the House on the present occasion was, to show the situation of the business, or rather of the suitors now in the Court of Chancery—to point out the assistance which that Court might receive from the Court of Exchequer, if the Court of Exchequer were rendered efficient—to explain the circumstances which prevented that latter court from being efficient—to offer to the House a remedy calculated to render it efficient, and to demonstrate the necessity of applying a remedy from the returns at present upon the table of the House. He was aware that it was incumbent upon him to be as brief as the importance of the subject warranted; and therefore more abruptly than was agreeable to his own feelings, he would enter at once into the grievances of which he then rose to complain. He believed that every Gentleman who then heard him was aware, that it appeared, upon the face of the returns then upon the table, that there were 712 causes now waiting for hearing in the Court of Chancery. It was also well known, he believed, to all present, that when you talked of a cause being set down for hearing in the Court of Chancery, it implied that there had been a considerable delay before the cause had arrived at that stage. If, therefore, hon. Members would carry in their recollection the delay which occurred previously to a cause being set down for hearing, they would see at once that it was a most serious grievance to the suitor, that 712 causes must be heard before his own could be called on. Let them but add to this, that the present Lord Chancellor had admitted, that if no cause were set down in the meantime, it would require three years to clear off the 712 causes which were now in arrear for hearing in the Court of Chancery. It must, therefore, be clear to the House, that for the next three years, even though the parties were at present ready for hearing, the doors of the Court of Chancery were as much shut against all fresh suitors as if no Court of Chancery existed. He knew that it had been said, that this was a crying evil, because it was a denial of justice. He was inclined to say, that it was a more crying evil than a denial of justice, for it was a delay of justice. He had no doubt, looking at it as a matter of history, and following out the circumstances of families, that in an absolute monarchy, where the law was the arbitrary will of the sovereign, it was a less evil that he should protect his favourite against the operations of the tribunals by forbidding all proceedings against him, than that in a system like ours men should be exposed to a liability of delay, which, after a long alternation of hope and fear, was certain to be followed by the most disastrous disappointment and distress. If it were necessary to illustrate the point, he could adduce many cases that would be most interesting to the House. He would, however, confine himself to two, because they tended to show the extreme inconvenience which resulted from the delay, and not from the denial, of justice. In one case the party was, in his firm opinion, entitled to a large property, which was at present the foundation of a peerage, and on which the maintenance of that peerage depended. That individual—a gentleman of great classical attainments and small independent fortune—felt that it was due to his only child to institute proceedings in the Court of Chancery for the recovery of his property. He did institute such proceedings—he encountered great and enormous delays—he expended so large a portion of his fortune, that he felt himself entitled to withdraw from the contest into that happy retirement in which he delighted to live, because he felt that the attainment of his object was, in point of time, impossible in his own life, or so costly in point of expense, as to be likely to absorb all the remainder of his resources. It might be said, that this was a mere imaginary claim, or that if it was not, he must have succeeded in his suit. He begged the House to allow him to state two facts in support of this gentleman's claim. When he determined to leave the proceedings in such a stage that his son, when he came of age, might take them up, so strong was the sense of his opponent as to the generosity of his conduct, that he sent him a full service of plate, a very unusual return for any person to make for an attempt to recover from him 30,000*l.* a-year. So far, too, was the case from being considered a case of a doubtful nature, that it was supported by the unanimous opinions of some of the very first lawyers of the day.—It was supported by the opinion of Sir Arthur Piggott, of Sir S. Romilly, of Sir V. Gibbs (then Attorney-general), of Mr. Sergeant Williams, of Mr. Sergeant Shepherd (afterwards Lord Chief Baron in Scotland), of Mr. Butler, of Mr. Preston, of Mr. Mayne (afterwards a judge in Ireland), and of Mr. Abraham Moore, of the western circuit. This was a case where the mere delay and expense prevented an individual from arriving at justice. Delay here was expense, for expense attended every step of the proceedings, though no advantage was derived from them. The next case to which he would call the attention of the House was of this nature:—An individual died in the year 1803. His daughter, who was abroad at the time of his death, instituted proceedings in the Court of Chancery in the year 1809. Her proceedings were delayed, so that she did not obtain a decree in her favour till the year 1812. Let not the House, however, suppose that that decree was like a verdict in a court of common law, which would immediately give her the fruits of the struggle she had passed through. No; by that decree she had only established her right to be a party to the suit. The extent of her right was yet to be decided in the Master's office. An account was ordered to be taken by the Master of the sum due to her. Now, having obtained her decree in the year 1812, when did the House suppose that she had succeeded in getting her first report? In 1817; for five years the matter was in the Master's office before he made a report, and then he found that no less than 62,000*l.* were due to her. In 1818, this report was brought under the consideration of the Lord Chancellor. On objections taken to the grounds on which the account was taken, the report was referred to another Master, Mr. Courtenay, now the Earl of Devon, to review it. Five years more elapsed, when Master Courtenay found that, not the sum of 62,000*l.*, but a sum of 36,200*l.* were due to her—that is, about 26,000*l.* less than was awarded to her by the former Master. These proceedings, be it observed, were going on in the Master's office. In the meantime large fees were accruing, and were paid every term. But it was not only in the Master's office that this expense was incurred. Would the House suppose that the party, having obtained a decree in her favour in 1812, there were proceedings taken to dispute her right to that decree? Yet, so it was. In the year 1825, the House of Lords, to whom appeal had been made, affirmed the original decrees; so that, while the parties had been proceeding in the Master's office to take the account, they had also been proceeding in the House of Lords to see whether the decree could be maintained or not. There, too, the plaintiff was declared right. It might be supposed, that at this stage of the suit the 36,200*l.* was paid. No such thing. In 1825, the House of Lords declared that there could be no question as to the plaintiff's right. Two Masters in Chancery had already reported on the extent of the money due to her. One saying that it was 60,000*l*., the other that it was 36,200*l*. But in 1827, this second report having been under the consideration of the Court, Lord Chancellor Eldon made an order that this report should be referred to a third Master. In consequence of Lord Devon having ceased to be a Master of the Court, it was referred to a third Master. Lord Eldon, however, in making that order for the review of the second report, imagined that the defendant had admitted, that 18,500*l*. was due to the plaintiff, and accompanied it, as he thought, by the just and equitable order, that 18,500*l*. should be paid into court to wait the event of the further proceedings in the suit. In the year 1828, Lord-chancellor Lyndhurst thought, that it was not so clear, that the defendant had made the admission which Lord Chancellor Eldon supposed him to have made, and in consequence discharged the order of his predecessors. Now, how much did the House suppose, that the plaintiff in this case recovered? Tired out by delay, and inconvenienced by expense, no step had since been taken: but one party despairing of recovering her rights, and the other not having the moral courage to proceed for the recovery of the expense to which he had been put during his defence, rested on their arms, and from that time to this no further proceedings had been instituted on either side. He mentioned these two cases to show that the great inconvenience arising from the delay of justice was more disastrous even than the denial of justice. These were not, however, extreme, but favourable cases, they were the cases of affluent parties, not, as they might have been, of parties in other circumstances. He called upon the House to consider the uncertain station in which all parties to this long-protracted litigation were placed. Even the sleepiness of the court drew after it the most disastrous expenses, far exceeding any amount of costs which might be suggested in the remedy he intended to propose. He could conceive no state of things more harassing than that which left the parties in doubt as to whether they should be ruined by want of success, or by the extremity of delay. Such a state of things enabled the wrong-doer to sit in tranquillity and triumph; for while it discouraged *bonâ fide* litigation, it encouraged *malâ fide* litigation, and, as Lord Langdale expressed it, invited the wrong-doer himself into court. The rich man could make the delays a source of oppression to his inferiors in wealth: for if he determined to resist a just claim, he could resist it with a moral certainty, that in his life time the suit would not be ended, and if he determined to advance an improper claim, he could advance it with no less equal certainty, that he would never be called upon to pay costs for it. In every point of view, then, the delay of justice was more disastrous than the denial of justice, both in its immediate and in its remote consequences. If this, then, were one of the faults of the Court of Chancery, arising out of its being so overloaded with business, that there were now in the Court of Chancery, and in the Court of the Master of the Rolls 712 causes set down for hearing, ought not some assistance to be furnished to it? Was there not a foundation laid for asserting, that it was a source of grievance, and that an immediate remedy ought to be applied to it? For a certain period the Court of Chancery had the independent assistance of the Court of Exchequer. Up to the year 1817, the Court of Exchequer sat daily as a Court of concurrent jurisdiction with the Court of Chancery. It was an ancient court, and had every power of a court of Equity. It had also a common law jurisdiction; and its two courts were always sitting during the term, and for some weeks after it. There was, therefore, no day in which the suitor could not institute proceedings in the Court of Exchequer. He believed, that as a court of equity, it never sat less than 123 days in the year. The convenience to the suitors was great, and even the expense was not so great as that of the Court of Chancery. The suitors also derived considerable advantage from having the choice of going, as they thought expedient, either to the Court of Exchequer or the Court of Chancery. In the year 1818, however, the Legislature began to meddle with the Court of Exchequer as a court of equity; and the result was, that its utility was impaired as a court of equity, although it was increased as a court of common law. The first change made in the constitution of the court was, to enable the Lord Chief

Baron to sit alone as an equity judge, whilst the other barons were sitting as judges of common law. The moment that act passed, it led to a considerable increase of business on the common law side of the court. But the suitors in equity had no longer their 123 days; the Lord Chief Baron had other claims upon his time. When the Court sat, the public was not satisfied if it had only three barons present. The public expected the Court to be what the lawyers called full, and therefore the Lord Chief Baron gave as little of his time as he could to the equity business, thereby reducing considerably the number of days which he sat as an equity judge. The next change in the constitution of the Court took place in the year 1830. Then the Court of Exchequer of Pleas was declared to be no longer a close Court, to be practised in only by certain officers specially appointed to their offices, but a court open to all the attornies of the superior courts at Westminster to practise in. The consequence was, an immense influx of business into the common law side of the court; and if, prior to the year 1817, it was essential that the Lord Chief Baron should give but a few days to the equity business of this court, and should devote as much of his time as possible to the common law side of it, it followed that the subsequent great influx of business into the common law side rendered it still less possible for him to give his attention to the proceedings in equity. He ought to have stated, that before these acts passed, there were commissions issued to appoint, by warrant, one of the puisne Barons to preside in equity, instead of the Lord Chief Baron, when he was engaged at *Nisi Prius*. It would be seen, however, by the House, that these acts never had the operation which was intended by the Legislature. Well, in 1833, a further change took place. An act was passed for the better administration of justice in the Privy Council, and it provided, among other things, that a puisne Baron should sit in equity, when the Chief Baron was engaged in common law, *Nisi Prius*, or in the Privy Council. He would only read the recital of the act, to show the House that he had not mistaken or misstated the effect of these legislative alterations:—

> "And whereas, by reason of the great increase of business on the common law or plea side of the said Court of Exchequer, the Lord Chief Baron is prevented from giving so much time as heretofore to the sittings on the equity side of the said court, and the sittings on such equity side of the said court being necessarily suspended during the absence of the Lord Chief Baron, great inconvenience is thereby sustained by the suitors and practitioners on the equity side of the said court: And whereas the Lord Chief Baron may, by this act, become liable to the performance of other additional duties unconnected with the said Court of Exchequer, and it is desirable that the said Court of Exchequer should sit as a court of equity, without any unnecessary interruption."

And then followed the remedy, which was, to give one of the puisne Barons the right to sit in equity on such days as the Lord Chief Baron should sit on the common-law side of the court during the term, or at *Nisi Prius*, or in the Privy Council. Still the Legislature was not satisfied, and in 1836 another act was passed, and it was remarkable to see the fatality with which the Legislature had interfered with the equity side of the Court of Exchequer. This act allowed a puisne Baron to sit while the Chief Baron was on the circuit. Now, could any Gentleman who was at all excited by curiosity, and who had pried into the movements of the judges, tell him how many days a puisne Baron could sit while the Chief Baron was on the circuit? The act was almost wholly inoperative, for the puisne Baron must be on the circuit as well as the Lord Chief Baron, and it should be recollected, that there was only one puisne Baron who was appointed at a time, and the warrant had to be altered if the particular puisne Baron appointed was unable to attend. But the Legislature did not stop here. Even a fifth act was passed in 1838, enabling all the Barons to sit in bank after the term, and when the Lord Chief Baron was trying causes at *Nisi Prius* in London and Middlesex. Now, even those who formed the lay part of the House would see, that if it was material that the Barons should form a strong court while they set in bank, there was very little chance of the puisne Barons sitting, as it were, in a third court, the court being permitted to sit in bank to hear those motions and arguments which could not be heard in the course of the term, and it followed as a matter of course, that even more than before, the equity side of the court was closed, and almost hermetically sealed. The returns for which he intended to move would show, that the 123 sitting days in equity had been so reduced, that parties were deterred from going into court, and suitors might be said to be as much denied justice in the Exchequer as in the Court of Chancery. Now, what was it which he ventured to propose as a remedy for this evil? He would say, "do all that the Legislature has intended, but has omitted to do." The Legislature intended to create an effectual court of equity, and intended that a puisne Baron should always sit when the Chief Baron was not able to attend on the equity side of the court. The confusion, inconvenience, and delay, to the practitioners and suitors occasioned by these acts was extreme. It often happened that a puisne Baron might come down to the equity court, and the parties might all be ready, in the expectation that the Lord Chief Baron had gone down to Guildhall to try causes at *Nisi Prius*. The cause would hardly be opened, when a messenger would come to say, that the Lord Chief Baron felt rather unwell, and that he had requested Mr. Baron Gurney to sit for him at Guildhall. Upon this the Baron sitting in equity would say, "Then I have no sort of jurisdiction; I am very sorry for the parties, and all the expense they have been put to, but I can do nothing: I am *functus officio*." He would venture to say, that in the very last sittings in equity in the Exchequer, no less than thirty orders had been made for the payment of money when the puisne Baron had no sort of jurisdiction, and yet these orders were made, and he had no doubt that they would be obeyed. The remedy for all this would be found in the simple and just expedient of having one judge sitting always in equity, so that the equity business of the Exchequer might be transacted, and the Court of Chancery be relieved. But was there any other recommendation of the remedy which he had proposed? They would recollect that a court had been built for the equity side of the Exchequer; it wanted only a judge to sit there. There were already officers of the court; no new machinery was required, and the only question was, whether Mr. Baron Alderson should sit there as at present, or as a permanent judge in equity? He was not to be deterred from making this suggestion, because interested motives might be ascribed to him; for he would say, at the peril of a sneer from hon. Gentlemen opposite, that he was always anxious to reform the law, and he would never sacrifice the interests of the public by refraining from the suggestion of any alteration which appeared to him to be practicable and expedient.

The hon. Member was interrupted by a motion that the House be counted, and only thirty-eight Members being present, the House adjourned.

HOUSE OF COMMONS,

Wednesday, July 17, 1839.

MINUTES.] Bills. Read a first time:—Metropolis Improvements; Judge's Lodgings; Grand Jury Cess; Turnpike Tolls; Spirit Licences (Ireland).—Read a second time:—Ecclesiastical Districts.

Petitions presented. By Mr. Dunbar, from Temple Michael, against any further Grant to Maynooth.—By Colonel Vernor, from Presbyterians of Billy, that Presbyterian Soldiers might not be compelled to attend Idolatrous Ceremonies.—By Mr. Buck, from Coachmasters of Devonshire, for a reduction of the Post-horse duty.—By Mr. Macauley, from Edinburgh, for an Alteration of the case affecting the Church of Scotland.—By Mr. Wallace, from Montrose, Forfar, and Auchtermuchy, by Sir H. Parnell, from Dundee, by Mr. Labouchere, from Taunton, by Viscount Lowther, from Burneside, and by Mr. Grote, from Rotherhithe, in favour of a Uniform Penny Postage; and from Perth, Angus, and Mearns, against renewing the Patent for Printing the Bible in Scotland.—By Mr. Fielden, from Oldham, and several other places, for the Repeal of the New Poor-law, Universal Suffrage, Vote by Ballot, and for a redress of Grievances.—By Mr. Divett, from Stage Coach proprietors of Exeter, for the Repeal of the Post-horse Duties.—By Mr. Mackinnon, from Highlanders in London, that a Professor of Gaelic might be appointed in the Scotch Universities.—By Mr. Clay, from St. George's-in-the-East, against the Collection of Rates Bill.—By Mr. P. Thomson, from Manchester, that the Duties on Timber might be equalised; and from the Licensed Victuallers of the same town, in favour of the Bill for Inland Bonding.—By Mr. Hume, from Mr. Haydon, complaining of the Royal Academy.

RIOTS AT BIRMINGHAM.] Mr. *Mackinnon*, in giving notice of his intention to bring the subject of the late riots at Birmingham under the consideration of the House, would take that opportunity of asking the noble Lord whether he were prepared to afford the House any information relative to those occurrences. The question which he wished to ask the noble Lord was this, whether it were the intention of her Majesty's Government that any investigation should take place with regard to the conduct of the mayor and magistrates of that town, relative to the riots which had taken place there on Monday night, and which, in consequence of the apathy evinced by the mayor and magisstrates, had continued for several hours?

Lord *John Russell* said, Sir, I have not the least objection to answer the question of the hon. Member; but I could not do so properly by merely confining myself to give a direct answer, as by doing so, I should not convey to the House an accurate knowledge of the conduct of the magistrates. I must, therefore, request leave from the House to state some circumstances connected with the lamentable occurrences which took place on the night to which the hon. Member has referred. It must be recollected, that I stated some days ago in the House, in answer to a question from the right hon. Baronet, the Member for Tamworth, that [representations had been made to me by the mayor and two magistrates of the town of Birmingham, who had come to town on purpose, that there had been for some days past tumultuous meetings of discontented and turbulent characters in Birmingham, to the great disturbance and alarm of the peaceable inhabitants of that town, and that they were not able to take efficient steps to suppress those proceedings, in consequence of the insufficiency of their police force, which they had not yet been able to organize, as enjoined in their charter of incorporation; but that they hoped, at no great distance of time, to have an efficient local police; and that they, therefore, requested that a detachment of the metropolitan police force should go to Birmingham to be sworn in there as special constables, and afford such assistance as might be required. I acceded to that request, because I thought it was my duty, under such circumstances, to do everything in my power to assist in preserving the public peace of so important a community. That step had been previously alluded to in the House, and some censure appeared to be thrown upon the Government in consequence of the course which I thus adopted. The mayor and magistrates, on the arrival of the metropolitan police at Birmingham, without, perhaps, taking sufficient precautions, ordered them to arrest certain persons, which was ultimately effected, but not till after some of the police had been wounded, and not till after they had been obliged to be assisted by the military. The mayor and magistrates, after investigation, thought it necessary to commit some of those persons to Warwick Gaol, on certain charges. One of them was liberated on bail, others detained in prison, and further arrests took place on different charges. Those measures so adopted by the magistrates had a very beneficial effect, and I received a letter from the mayor, stating, that they thought that tranquillity had been perfectly restored, and that it would not be necessary to continue the daily reports to the Home-office, which, from the state of the town, I had considered it my duty to call for. While those measures appeared to have been effectual in restoring the peace of the town, comments appeared in the public prints, that by the sudden attack of the police, the safety of many persons had been put in jeopardy who were taking no part in the tumults, and an hon. Member asked me if those statements contained in the newspapers were or were not correct. To that question I answered, that I disbelieved those accounts, and the information which I have since obtained, justify me in the disbelief which I then expressed, relative to the charges against the conduct of the metropolitan police force. At the same time, I wish the House to recollect, that comments were made upon the magistrates, who, it was said, had, from an excess of zeal, interfered with the peaceable meetings of the inhabitants of Birmingham. I think it proper to notice this, because it cannot be disputed, that such charges cannot be made without having the effect of repelling many persons from placing themselves in such responsible situations. The magistrates had stated, that they were satisfied with the state of the town. It has since appeared, that they were satisfied without sufficient reason, and on the night of Monday the occurrences took place which are pretty clearly stated in the newspapers. A tumultuous meeting then was held, the persons assembled at which, proceeded to the destruction of a great deal of valuable property—to acts of great violence and outrage,—setting fire to houses, two of which appear to have been entirely burned and destroyed. Other acts of injury had been committed on the houses of shopkeepers residing in the vicinity of the Bull-ring, where the riot occurred. One of the proceedings of the mob was to attack the Public-office, and break the windows. The superintendent of police, who was in the place, took no measures to capture any of the rioters, having, as he states, received orders not to do so, or to leave the place, without special orders from the magistrates. These proceedings continued for some time. It is stated, in a memorial which I have received at the Home-office, that they commenced at half-past eight, and till a quarter before ten. Neither the police or military appeared to put down the riots. The account I have received from the military officer in command is, that at half-past nine one of the magistrates applied at the barracks for assistance, when the police and military proceeded to the place of riot. The resistance made to them was quite inconsiderable. The mob fled, and, after a certain time, the peace of the town was restored, and no further rioting took place that night. The accounts which I have received of the state of the town last night are, that although there had been a considerable disposition manifested to riot in different places, and a disposition to renew the disgraceful proceedings of the former night, yet, by the interference of the police and military, the peace of the town had been preserved, and no serious riot took place last night. Now, the hon. Member has asked me whether it be the intention of the Government to institute any inquiry as to the circumstances which took place. The hon. Member stated, doubtless with no intention to misrepresent the facts, that for several hours the town had been left to the mercy of the mob. Now, according to the information which I have received, the period was half-past eight until a quarter to ten. But there is a statement, at the same time, that information was given to the magistrates that such riotous proceedings might be expected, and that they were known to the informants to be actually in contemplation. I do think, that this fact alone, that from half-past eight till a quarter before ten, no measures appear to have been taken to stop this riot, is a fact that requires investigation. I certainly think it necessary to inquire into that, and also to ask for proof that the magistrates had been warned that they might expect such riots were in contemplation. I cannot close this statement without taking some notice of an assertion that has been made with respect to these lamentable occurrences. It has been stated that they are entirely owing to the nomination of magistrates, some of them holding political opinions of a very violent nature—and being political theorists or chartists. Now, my belief is, that no part of these lamentable occurrences is to be attributed to the nomination of the magistracy. The fact is well known to the House, that I stated in the debates on the Municipal Reform Bill, that with regard to the nomination of magistrates in corporate towns, the recommendation of the respective town councils would have great weight with the advisers of the Crown. I do not mean to go into that question now. For myself, I think that that was a very proper concession—if concession it can be called—to grant to the recommendations of such corporate towns. Let it be remembered that in many of these towns, as in London, the magistrates are elected by popular suffrage, without the confirmation of the Crown. From Birmingham, after the election of the town-councillors, I received a list of twenty-one persons recommended by the town-council as fit and proper persons to be placed in the commission of the peace. At the same time, Sir, I received a communication from the lord-lieutenant of Warwick—a very unusual circumstance, I may remark, for it has been but very seldom that I have heard from that noble Lord, or derived any assistance from him; but, however, on this occasion I received a communication from him to the effect that he thought it desirable that the county magistrates, and the county magistrates only, should be named in the commission of the peace. I took these representations into consideration—the representation of the town-council on the one hand, and that of the lord-lieutenant on the other; and I made what inquiries I could with reference to both these representations from other parties. The result was, that I did not agree completely with either of these representations. I put in the majority of the county magistrates, leaving out some few, chiefly gentlemen who, as I heard, did not any longer reside in the town, and had no connection with it, and one or two others who had ceased to take an active part in the affairs of the magistracy, but still I put in eleven of the county magistrates—gentlemen of various political opinions, some Whigs, some Tories, for I did not attend to their politics in making the selection. I also put in a certain number of persons recommended by the town-council, and two or three persons who were much recommended to me from other quarters as persons of great respectability and competency; and the result was, that instead of twenty-one magistrates, I appointed twenty-four, so that it cannot be said I altogether took the opinion of the town-council in the matter; and as to all these appointments, I took every care to inform myself as to the respectability of the individual. There was one gentleman with respect to whom I had in the first instance great doubts whether, after the violent part he had taken in politics, he could be considered a fit person to name in the commission of the peace (I refer to Mr. Muntz); but before I decided on this point, I made inquiries in various quarters respecting this gentleman, and was told that though certainly Mr. Muntz had taken a violent part in politics, he was a man of considerable talent, that he was likely to prove of great use to the town as a magistrate, that there were none of his views which would at all prevent his giving every support to the maintenance of the peace and good order, and that he had declared his total and entire separation from the persons who wished by means of violence to make changes in the laws and institutions of the country. I thought, therefore, that on the whole it was more likely that the cause of peace and good order would be served by placing this gentleman in the commission of the peace, and I accordingly appointed him. With respect to this matter, I will take the present opportunity of moving "An address to her Majesty for a list of the magistrates in the several towns of Birmingham, Manchester, and Bolton," and if any hon. Gentleman on seeing these names should be disposed to call into question the fitness of any person appointed, I shall be ready to state the grounds on which I thought fit to appoint him. But, I repeat, my decided belief is, that these nominations have had nothing whatever to do with the recent outrages in Birmingham. I cannot conceive that out of the twenty-four magistrates of that borough, many of whom are Tories and many others of whom are Whigs of great moderation of opinion, I cannot conceive that among these there would be any men who, on account of their political opinions, would refrain from taking a part in the suppression of these riots. If there have been faults or negligence in this instance, I believe it to have been from an error in judgment on the part of the magistrates in imagining that the town was restored to tranquillity, and perhaps from an apprehension that they might be blamed if they proceeded to measures of too great activity in repressing the appearance of tumult, and not from any sympathy with the rioters. I will take this opportunity of stating a circumstance which, though not in immediate reference to Birmingham, the House will be glad to hear, as affording an illustration of what is the peaceful disposition of the operatives of the manufacturing towns generally. I believe that in Birmingham the great body of the operatives have no sympathy with the authors of the recent disorders. The circumstance I have to state has reference to the operatives of the very populous districts of Longton and Lane End, in the Staffordshire Potteries, who have addressed a declaration to me, which has been a source of the highest satisfaction to the Government. It was on the occasion of some riotous proceedings which had taken place in their district, and the terms in which their declaration is framed are these:—

To the Right Honourable Lord John Russell, Secretary of State for the Home Department.

"Declaration of the undersigned operstives of the liberties of Longton and Lane End, Staffordshire Potteries:—Finding that we share in the stigma cast upon our town, by the late riotous and disorderly proceedings manifested therein, we deem it prudent to repel such calumny, come from what quarter it may, by disavowing all participation in such conduct, or the feelings which originated in it, assuring your Lordship that our ardent desire was, is, and we hope ever will be, that peace should prevail throughout our town. We do, therefore, call upon all our fellow townsmen, filling what stations in society they may, to set a peaceable example, and unite with us for the preservation of peace and good order."

Sir, I believe that though this, is the only formal document of the kind in my possession, yet that, in the great majority of the manufacturing towns, the disposition of the operatives is rather in accordance with this declaration than with the sentiments of the class of persons who wish to advance their projects by riot and violence. Before I sit down I must beg leave to say that I do not think that any good effect will be produced by endeavouring to exaggerate the extent of the riots and outrages which have taken place. I have seen several statements carrying their exaggeration to a very great extent, and I was very sorry to see them, because they tend to produce the very state of things which it is of such essential importance to avert, because they tend to interrupt trade, and to throw a great additional number of persons out of employment; and I need not remind you that it is when a vast number of persons are thrown out of employment that the peace of society is most endangered. I therefore trust that—while I am quite ready to say that an inquiry should take place with respect to these occurrences at Birmingham (so, however, as not to affect the proceedings at the Warwick assizes), while I am ready to make these inquiries, I do trust that—no statements will be made tending to discourage the magistrates of Birmingham in the execution of their duty, or to create unnecessary alarm throughout the country. The noble Lord concluded by moving "that an humble address be presented to her Majesty for a list of the magistrates of the towns of Birmingham, Manchester, and Bolton."

Mr. *Goulbourn* expressed his gratification at hearing the noble Lord's opinion that the disturbers of the public peace did not comprise a large proportion of the operatives. This had always been his own conviction, entertaining, as he did, a most favourable view of the good sense of the general body of the working classes. He believed that those who were led astray were certainly rather the dupes of designing demagogues than voluntary disturbers of the public peace, and it was precisely this which caused him to feel the greater jealousy and regret when he found that more prompt and energetic measures were not adopted for nipping such outrages in the bud, and for dealing effectually with the agitators and authors of them. The result of such forbearance was to encourage the guilty, and to compromise the innocent. As to the noble lord-lieutenant for Warwick, he could not but complain of the manner in which that noble Lord's name had been introduced into the statement of the noble Lord opposite, in the absence of any of the noble Lord's Friends who were instructed as to the circumstances of the case.

Lord *John Russell* had made no charge against the noble Lord in question. At the same time he could not but remark that it was generally the practice for lords-lieutenant of counties, to whatever side of politics they belonged, to communicate with the Secretary of State respecting any peculiar circumstances which happened in their counties; he thought that if the noble Lord in question had wished to obtain information as to what had occurred, and as to what it was desirable he should do, it might have been better for him to have proceeded to the Secretary of State's office on the subject rather than to have made the subject a matter for Parliamentary discussion. Certainly the noble Lord's proceeding was not in conformity with the usual practice.

Mr. *Goulburn* wished that this understanding was always acted upon. The noble Lord opposite seemed to complain that he was not in the habit of hearing from the noble lord-lieutenant of Warwickshire. He new nothing of the circumstances of the case, but he had known Lord Warwick for a number of years, and he could safely say, that he believed there did not exist a more honourable man than that noble Lord—a man more unlikely to do anything ungentlemanly or unbecoming his situation. He had that entire reliance on the noble Lord, that he did not believe he had taken any course which he was not fully prepared to justify.

Mr. *Scholefield* hoped the House would permit him to say a few words, under the peculiar circumstances in which he was placed. He felt sure that the magistrates of Birmingham would be able to satisfy the House and the country that no blame or neglect was justly attributable to them. The question was entirely one of time. From the information he had received, he understood the case to be this, that at the very first appearance of riot, Redmond, a very active police officer of the town, took a coach, and went in all haste to the house of his (Mr. Scholefield's) son, the mayor of of Birmingham, who lived about a mile out the town, and that his son proceeded immediately to the town, accompanied by Dr. Booth, and was with the other magistrates on the ground at shortly after half-past nine. As the riot did not break out till half-past eight, there could hardly have been any very great neglect or omission on the part of the magistrates. As to the police not being allowed to act, it must be borne in mind that the magistrates were much censured for the conduct of the police on the former occasion; and the very charge which was brought against the magistrates for unnecessary severity on that occasion was the reason why they did not wish the police to act again without themselves being at their head. There was not the slightest expectation of any outbreak: these occurrences came upon the magistrates quite unexpectedly. It was due to his fellow-townsmen and to the magistrates of Birmingham to state, that he believed that the statements which had been made as to the injury done were great exaggerations. The affair seemed to have been an indiscriminate plundering attack upon friends and foes, for one of the persons whose house was plundered was an old Reformer. He was sure that the magistrates would be able to prove that they had not neglected their duty.

Mr. *Wolverley Attwood* had that morning received a letter from Birmingham, which stated that there was a general anticipation of a renewal of the outrages, and that the townspeople were by no means satisfied that the means in the hands of the magistrates would be promptly or effectively employed; and it was desirable to know whether the noble Lord opposite intended to give the people of Birmingham better protection than that afforded by the magistrates, by the introduction of some other power into the town on this pressing emergency. It was his decided opinion, that if the magistrates had done their duty promptly, none of these scenes would have occurred. The mob themselves beforehand stated that they were encouraged to their proceedings by the supineness of the magistrates, and their expectation that they would not promptly interfere.

Mr. *Hume* said, that it would have been but a proper proceeding on the part of the hon. Gentleman, as he seemed so much in the confidence of the mob, had he gone and given the Secretary of State a warning of what their intentions were, and let him into a few of their secrets. Further, he thought it desirable that the hon. Gentleman should state to the House whence came the letter which he had mentioned as expressing an anticipation of renewed outbreaks, and a belief that the magistrates would be tardy in their proceedings. It was desirable to know who it was that thus inculpated the magistrates if only to learn the grounds on which they founded their opinions. It appeared to him, that this, at least, was not the proper time or place for bringing forward such a charge against the magistrates. Again, while complaints were thus being made against the magistrates of Birmingham for neglecting their duty, he should like to ask where the Lord-lieutenant of Warwick whose duties on such an occasion were so peculiarly important—where that noble Lord was, whether he was at his post, whether he was down at Birmingham, now that that town was stated elsewhere to be "in a situation almost worse than that of a town taken by storm." If the town of Birmingham was in so deplorable a condition, he would ask—was the Lord-lieutenant on the spot to give his assistance. He considered that it was essentially the duty of the noble Lord to be at his post in times of difficulty like these; and that if neglect were charged against any parties, the magistrates of Birmingham ought at least only to share it with the noble Lord-lieutenant; for that noble Lord so far from doing his duty on the spot, had been all the time in London.

Lord *Granville Somerset* observed, that even if the Lord-lieutenant had been in the town he could not have done anything except as a magistrate; and if he was not a magistrate, he could do nothing at all. He thought, therefore, that it was most unjust that the noble Lord should be called over the coals in this manner. The hon. Member for Birmingham seemed to think rather lightly of what had happened; but he could not agree with the hon. Gentleman. The hon. Member spoke of the affair as a misfortune which had fallen equally on friends and foes, which was the first time he had heard of rioters having friends at all among other classes. It was a most lamentable and strange thing, that the mob should have had full liberty for an hour and a half to perpetrate such violence, or that any attempt should be made in that House to modify the character of these outrages.

Mr. *Scholefield* said, that the expression he had used was, that it appeared to be an indiscriminate plundering attack upon friends and foes; and he had illustrated this by adding that one of the houses plundered was that of an old friend of Reform. The mob appeared to have gone from house to house.

Mr. *Pryme* said, the noble Lord opposite seemed to imagine that the Lord-lieutenant of Warwick had no power in Birmingham, because there was a corporate body there; but he was not aware of any Act of Parliament which gave to the corporation or magistrates of Birmingham an exclusive jurisdiction.

Lord *J. Russell* said, the hon. Member was quite right; but he should have thought it a great misfortune if the magistrates for the county, not being also magistrates for the town, had taken occasion to interfere with the town. As to what had fallen from the right hon. Gentleman opposite, he begged to say that nothing which he had said had been meant as derogatory to the character of Lord Warwick as a gentleman, or as a person holding a high situation in the country. Yet he would repeat that he felt the noble Lord would have done better on this occasion in coming to the Secretary of State's Office than in going before Parliament on the point—Motion agreed to.

SOLDIERS' PENSIONS.] House in committee on the Soldiers' Pensions Bill. Mr. Bernal in the chair.

Mr. *Wakley* begged to suggest to the noble Lord the Secretary at War the propriety of adopting some arrangement for paying pensions weekly, instead of quarterly, as at present. He was often in the neighbourhood of Chelsea, and had witnessed scenes of the utmost wretchedness there, owing to the improvident manner in which the pensioners expended their pensions when they received considerable sums at a time.

Viscount *Howick* said, that although he was most anxious to adopt any measure which could check the improvidence to which the hon. Member alluded, there would be great difficulty in adopting the plan of weekly payments, because it would put an injurious restraint upon industrious men, by compelling them to appear so frequently at a particular place to receive their allowances.

Sir *E. Codrington* thanked the hon. Member for Finsbury for the suggestion, which would be of great utility. The objections of the noble Lord could be easily met by making weekly payments the regular rule, and holding over the payments until the end of the quarter for those who might desire it.

On the second clause enabling Poor-law guardians to require pensions to be paid to them for relief given,

Captain *Boldero* objected to it as oppressive. It gave power to boards of guardians in cases where the children of a pensioner were taken into a workhouse, to obtain repayment of the cost of their maintenance out of the man's pension. He would take the sense of the House upon the clause.

Viscount *Howick* said, that as the law now stood the guardians had the power to which the hon. Member objected. The object of the clause was to prevent the exercise of that power from being oppressive or unjust to the pensioner.

Mr. *Hume* said, that whatever might be the policy of the existing law, the present clause would be an impovement.

Mr. *Wakley* thought it a most harsh clause. By giving the guardians a prior claim over a man's pension, it would make it impossible for him to assign it to anybody.

Viscount *Howick* said, it had always been the policy of Parliament to prevent any assignment whatever of a soldier's pension under the severest penalties. The only exception was in the case of the parochial authorities who ought to be compelled to support the pensioner or his family.

The committee divided on the clause. Ayes 59; Noes 7:—Majority 52.

List of the AYES.

Adam, Admiral
Baring, F. T.
Barnard, E. G.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bryan, G.
Campbell, Sir J.
Clements, Viscount
Dalmeny, Lord
Donkin, Sir R. S.
Duff, J.
Dundas, Sir R.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
French, F.
Gisborne, T.
Gordon, hon. Captain
Grant, F. W.
Greenaway, C.
Grey, rt. hon. Sir G.
Hobhouse, rt. hn. Sir J.
Hope, hon. C.
Howick, Viscount
Hume, J.
Humphrey, J.
Langdale, hon. C.
Lushington, rt. hon. S.
Morpeth, Visc.
Nagle, Sir R.
O'Brien, W. S.
O'Ferrall, R. M.
Palmer, G.
Parker, J.
Parker, M.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Pryme, G.
Rice, rt. hon. T. S.
Richards, R.
Roche, W.
Russell, Lord
Sheil, R. L.
Sheppard, T.
Smith, B.
Style, Sir C.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Walker, R.
Warburton, H.
Williams, W. A.
Wood, C.
Wood, Colonel T.
Yates, J. A.
Young, J.

TELLERS.
Stanley, hon. E. J.
Gordon, R.

List of the NOES.

Archdall, Mervyn
Burroughes, H. N.
Chetwyud, Major
Fector, J. M.
Lygon, hon. G.
Parker, R. T.
Sibthorp, Colonel

TELLERS.
Boldero, H. G.
Wakley, T.

Clause agreed to. Bill passed through the committee. House resumed.

TIMBER SHIPS.] Mr. *G. Palmer* moved

the second reading of the Timber Ships Bill.

Mr. *Warburton* said, the Bill would prevent timber ships from carrying their cargo on deck. Why should such a bill be temporary? The hon Member applied it to the cargoes between this and Christmas. A measure of this kind should be prospective. If a bill of this description were to be permanent, it ought to apply to the autumn rather than to the spring voyage. Of 309 timber ships lost between 1832 and 1838, 252 were of the autumn voyage. The evidence assigned not only the lading timber on the decks, but the bad quality of the ships, as the cause of the disasters which were so frequent. Yet this important fact was slurred over by the Committee. They had not given the character and quality, not merely of the ships lost, but of the whole number engaged in the trade, information necessary to test the correctness of these inferences, respecting the causes of those disasters. And he could not agree in the conclusion of the Committee, that good vessels were as frequently lost in proportion, as bad vessels. He had taken the trouble to analyze the returns, and had found that of 78 vessels lost, 44 were lost going out, therefore it could not have been from carrying timber cargoes. Of the remaining 34, 27 were either bad ships, or deficient in stores, &c. He admitted that there was a body of the evidence attributed in part the loss of vessels returning from America, to carrying part of the cargo on deck; an equal body of testimony attributed it to the bad quality of the vessels employed. The Committee had slurred over every thing, but what was their "hobby," which did not seem to be properly performing their duty. This bill was only for one year; the views of the hon. Member as to any permanent measure, were not known. It was to be hoped that the hon. Member would restrict his legislation to the autumn voyages.

Mr. *P. Thompson* was no great friend to this kind of legislation, but he thought a case had been established, showing the danger of deck loads, and calling for legislative interference; he should, therefore, give his support to the bill, coupled with the conditions of his hon. Friend confining its operation to the autumn voyages. As this was merely an experiment, he thought it better to make it a temporary measure.

Mr. *Chapman* said, this was a bill required by humanity, and requested by the shipowners themselves, and therefore he was glad there was no opposition. The object of the bill was to relieve old ships by doing away with deck loads, which were carried in no other trade. He was happy that there was no opposition to this bill, which would greatly benefit the trade.

Mr. *Barnard* supported the bill, and thought it ought to apply to spring as well as autumn voyages, as he thought deck loads ought never to be carried.

Mr. *G. Palmer* replied, that he did not propose this as a permanent bill, because he thought that was the duty of her Majesty's Government on a point of so much importance. The Committee had not slurred over any evidence, but had been anxious to obtain every information in their power. It was clear that losses had taken place to a great extent, in situations in which no such losses ought to have happened, occasioned solely by faulty stowage, and faulty management. The loss to the owners would be nothing by prohibiting deck-loads, as the difference in insurance and charges would more than compensate them.

Mr. *O'Connell* thought the observations of the hon. Member for Bridport were hardly fair; all his suggestions were regarding matters to be discussed in Committee. He would not detain the House longer than to express his admiration of the manner in which the Committee had made out a case calling imperiously, in the name of humanity, for legislative interference.

Mr. *Hume* suggested, whether it would not be more efficient to prevent bad ships being employed, by permitting an increased rate of insurance being taken, because as long as they could be insured, merchants would send mere rafts to sea.

Admiral *Adam* said, that what had fallen from the hon. Member for Kilkenny would be properly discussed in Committee, and ought to be attended to.

Bill read a second time.

SHANNON NAVIGATION.] On the motion for the House resolving itself into Committee on the Shannon Navigation Bill,

Colonel *Sibthorp* thought, considering the miserable state in which the Government were placed at the present moment, the House ought not to proceed further with the consideration of the Bill during the present Session. He respected Ireland as much as any man, and he should be glad to see it improved: but he thought the mode in which the money was to be raised for carrying on the work, namely, by Exchequer bills, was most objectionable. So great an objection had he to the Bill, that could he find any hon. Member to divide with him, he would move, that the further consideration of the bill should be proceeded with that day six months.

The *Chancellor of the Exchequer* trusted, that after consideration hon. Members would, considering the time the bill had been before the House, and taking into account also that not a single petition had been presented against the bill, with the exception of one from an individual which had been withdrawn, allow the bill to go into Committee. The public had been greatly deluded by statements that had been put forth relative to his having an interest in the bill; and it was his intention, when the bill was in committee, to rebut those statements.

Mr. *Hume* thought, that the House were entitled to have an explanation from the Chancellor of the Exchequer relative to the large sum that was required for this work before they went into Committee.

Mr. *F. French* thought, that they ought to go into Committee on the Bill, in which stage any explanation might be given that was required.

The *Chancellor of the Exchequer* said, if the House would only go into a Committee it was his intention to enter fully into the details of the bill.

Mr. *O'Connell* wished to say a few words before the House went into Committee on the Bill. It had been stated that he had a personal interest in the improvement of the navigation; he had no such thing, his property was forty or fifty miles from the Shannon, and no man had less personal interest in the measure than he had.

Mr. *Finch* must protest against proceeding further with the bill, as no explanation had been given yet of the necessity for so great a sum as was asked for by the measure. He would move, as an amendment, that the bill should be taken into further consideration that day three months.

Mr. *Williams* seconded the amendment.

The *Chancellor of the Exchequer* said, if hon. Members were determined to persevere in this course he must in justice to himself enter into an explanation of the objects and nature of the bill. The interests not only of Ireland, but England were involved in this vote, and if the House were to adopt the proposition of the hon. Member, they would go in direct variance to the decision of Parliament and their duty to the people of Ireland. A bill had passed that House, which had received the sanction of the other branch of the Legislature, in which the whole principle of the Shannon vote had been affirmed. The act to which he alluded was passed in 1835, which recited, that it was expedient, that the expenses of the proposed improvement in the Shannon should be borne out of the public funds. It had been supposed that the measure was brought forward now for the first time, and for private interests. No one who had ever turned their attention to the subject but must know, that it had been under consideration for centuries—that it had been recommended under the secretaryship of Edmund Spenser—also under the administration of Sir John Davis the improvement of the Shannon was considered as a national object, and also in the time of Lord Bacon, who was a high authority. He was almost ashamed to take up the time of the House upon the question, but the object of the bill had been much misunderstood, and he felt it his duty to state the matter fully to the House. The experiment of leaving the improvement of the Shannon to private enterprise had already been tried, but it had entirely failed. Private speculation might do very well for the improvement of a small river, but to improve a river of 170 miles in length required greater resources. The question had been agitated since the time of Elizabeth, and was under the consideration of every government since that time, and in 1831, Colonel Burgoyne, Mr. Mudge, Mr. Rhodes, and Mr. Cubitt made a report, in which they said, it was surprising that so noble a river as the Shannon should be in such a state of neglect; and they further said, the improvement of it would be for the advantage of both countries. Again, in 1834, a Select Committee, composed of Gentlemen of all parties—of English, Irish, and Scotch Members, sat, and having inquired into the subject, they reported that the Government ought to take up the matter—ought to undertake the work. The Government did not proceed upon that report, but, upon his recommendation, they waited until they were aware that the whole of the compensations were settled. The Parliament then passed an Act for the purpose of ascertaining the amount of these compensations, and would be guilty of a fraud if it now turned round and said it would abandon the scheme. They had a report before them of the beneficial effects which the public works, undertaken in Scotland, had been the instruments of. Mr. Telford had stated, that Scotland, through the assistance which this country had afforded to it, in the improvement of roads, bridges, &c., had advanced 100 years. Mr. Loch had stated, that the condition of the peasantry had been improved by it; they were better housed, fed, and clothed; the revenue had been improved; the progress of civilization had been very rapid, and distillation had disappeared; and the hon. Gentleman now turned round and said, that the example of Scotland was not at all to the point, and was entirely inapplicable. No doubt, hitherto, the Caledonian Canal had been a failure, but it must be borne in mind, that that work, which cost one million, was at the sole cost of the Government, whereas the present work would not cost the half, and the half of that was secured upon the Irish county-rates. Would the House say, they were prepared to vote 1,000,000*l.* for Scotland, 120,000*l.* for canals in Canada—that they would vote for the payment of the Danish claims, but would not vote for that which would not only benefit Ireland but the whole country? A more despicable—more ungenerous course could not be taken towards Ireland, for the measure would not only increase its resources, but make it more beneficial to England. It had been stated, that he had a personal interest in the measure. He had, and he would tell the House to what extent. The sum proposed to be expended was 500,000*l.* and odd, and of that sum there was a sum of 52,137*l.* to be expended on the lower Shannon, or one-tenth part of the whole. In that lower portion of the Shannon, which was about sixty miles in length, and was a most important part of the navigation, opening to the sea, he had a positive interest, owning about a mile and a half, or two miles. It was proposed by the Commissioners, that a portion of the improvement should be made on that part which was his property, but nothing would be done towards the improvement of his property till he had advanced one-half of the sum to be expended on it, namely, 4,000*l.* He had now told the whole story with respect to himself, and he trusted it would be no detriment to the vote. Considering the sum which he should have to advance before anything was done on his property, he was sure his vote would not be influenced by the prospect of the improvement. When they spoke of the State giving this assistance, it was not Great Britain alone which gave the assistance; it was given out of the taxation of the whole empire, and was to support a public work in which Great Britain, as well as Ireland, had a direct interest.

Captain *Wood* would readily give his vote for money to be given in aid of public works in Ireland, knowing that the expenditure of money in improvements tended towards the improvement of the country; but he would not consent to the reckless issue of Exchequer bills. He was prepared, as far as he was concerned, to take the proper means for providing a revenue for such a purpose, but he would not consent to incur a debt without providing the means to meet it. Exchequer bills were issued for every deficiency. There would probably be a deficiency in the revenue from the contemplated alteration in the postage of letters, which would be so met, and he would not consent to this means of raising money. He was quite sure, the course they were taking with regard to the revenue was not only injurious to the credit and faith of the country, but that it was a course likely to involve the country in difficulties they would never be able to surmount.

The *Chancellor of the Exchequer* said, that it was probable the proposed works in the Shannon might not be completed in six, seven, eight, or nine years, so that the intended expenditure would be extended over the whole of that time. Let him add, in reference to what had fallen from the hon. and gallant Member, that the principle of issues of Exchequer bills, and to a very large amount, for the promotion of public works, was not at all a new principle. In a late period of the government of which the late Lord Castlereagh was a member, that noble Lord recommended an issue of Exchequer bills for carrying on public works, not merely of 500,000*l.*, which was the limit of the grant in the present case, but of 7,000,000*l.*; and so far was the country from being a loser by that issue, that it became a gainer on the whole capital of 370,000*l.*, independently of the advantage which it had derived from carrying on the works.

Captain *Wood* would object to any issue of Exchequer bills for public works as long as there was a deficiency in the revenue.

Mr. *O'Connell* admired the generosity of the gallant Gentleman. The gallant Gentleman would be glad, forsooth! to do good to Ireland, but he would vote no money. When he was asked for money to carry out his good intentions, his generosity oozed out, and became a mere *caput mortuum.* He would be glad if the gallant Gentleman would keep his generosity to himself. For himself, he would prefer that the gallant Gentleman should succeed. It would be one other proof of the disposition of the House towards Ireland, not on one side of the House, but on both sides. One side would not give any franchises or privileges, and the other would grant no money. Indeed, both joined in opposing any grant. Could he forget the fact, and did they think that Ireland would forget it, that at the time of the union Ireland only owed twenty-seven millions of debt, whilst England owed five hundred millions? and was it not as great a wrong between nation and nation as between man and man, to make Ireland thus responsible for a debt which she had never contracted? Why, what would be thought of two men entering into partnership upon such terms, and the man of the largest relative capital and smallest relative debt receiving the smallest amount of profits? When he recollected that the whole Session had gone by without one single advantage being obtained by Ireland; when he considered that the measure of the franchise stingily given in that House would probably be annihilated elsewhere, did the House think that he could go back to Ireland without telling the people of Ireland the truth? Why, one-third of the money was their own. The House had voted 270,000*l.* for the Thames tunnel. What advantage would the Thames tunnel give to Ireland? how many of the Irish people would use it? yet the people of Ireland had to contribute their share of the grant. The vote for the Shannon would make provisions cheap in Liverpool; it would make provisions cheap in Manchester. The improvement of the Shannon would bring the cattle of the farmers within 36 hours of the Manchester market —not the Liverpool market only, but the Manchester market. That would be the benefit derived from this grant by the English manufacturing districts. Did they refuse, then, this stingy, this paltry, this miserable grant? They had thrown away millions in this country and elsewhere, and Ireland was taxed to pay the debt, yet to this paltry sum for a great national improvement they objected. It was a miserable amount. He hoped they would refuse it.

Mr. *Williams*: notwithstanding the observations of the hon. and learned Member for Dublin, should give his vote against the principle of the grant. In the present state of the finances of the country, and with the discontent which prevailed amongst our population from the pressure of taxation, the Government ought not to propose such grants. Hon. Members might talk of the distress which prevailed in Ireland, but they should also consider the distress, and its consequent discontent, which prevailed in England. By the bill before the House, he did not see how the proposed advance was to be repaid. The bill provided that certain tolls should be levied on the navigation of the Shannon, but then he perceived that any surplus, after defraying expenses, was to be applied by the commissioners as they should think fit; but he saw nothing about the repayment of the advance. If there was to be a remunerating profit on those tolls, it would be another thing; but there was no reason to expect anything of the kind. The outlay required in such works was always far beyond the first estimate. The first estimate of the expense of the Caledonian Canal, as made by the late Sir John Rennie, was 350,000*l.*, but that sum was expended long before its completion, and then it was asked, "Will you stop here, after the outlay already made?" Well, the work went on until it cost the country 1,000,000*l.*, and then it was found that the tolls were not sufficient to keep the canal in repair; and, in fact, a sum of 39,000*l.* was taken from the public funds of the country to make up the difference between the amount of the tolls and the cost of the repairs. So it would be in this case. The sum now proposed would not be found sufficient. If the counties on the banks of this navigation should be benefited by the proposed plan, they ought to bear part of the cost, and the rest should be made up by a toll on the navigation. No man was more anxious than he was to support measures which would benefit Ireland, but when a large grant like the present was proposed, he could not consent to it in the present state of the finances of the country.

The *Chancellor of the Exchequer* said, that the surplus of the tolls, after the payment of expenses, would be carried to the public account. This however was a matter which would more properly come for discussion in the committee, and he had no objection to make the clause for that object more stringent.

Mr. *Plumptre* said, he thought the Government was not justified in proposing a grant of such an amount for such a purpose as this, in the present falling state of the revenue.

Mr. *D. Browne* said, he had thought that the hon. Member for Coventry belonged to that party which was called "Liberal;" but it appeared that they were only liberal towards Ireland when it cost them nothing; for when the money of England was to be voted for Ireland, they were just as great monopolists as the hon. Gentlemen opposite. This was, in his opinion, one of the strongest arguments for the repeal of the union, and all men who had the honour and good of Ireland at heart, ought on that ground to join the hon. and learned Member for Dublin in agitating to attain that object.

Mr. *Pryme* said, the hon. Member who had just sat down had spoken of the liberal feelings of certain hon. Members always stopping, whenever a grant of money was proposed for Ireland; but he had never understood that liberality in politics consisted in giving away the public money. It consisted in giving the people free and good Government, and franchises which they had never enjoyed before. If he considered that this was brought forward as part of a general and new principle for making grants for the public benefit, he should be content to go into committee on this bill, and to see there whether the present proposition was reasonable and commensurate with the object in view; but, unless that were shown to be the case, he must oppose it.

Mr. *Wakley* said, he considered that this grant would be a most improvident and improper application of the public money; but, if any measure were brought forward for squandering the money of the people, it was sure to be carried. He knew very well that this measure would be carried. Yes, the propositions would be carried, and the money expended. The hon. and learned Member for Dublin had said, that if you improved the Shannon, you then brought those who held farms on the banks within thirty-six hours' journey of Lancashire. But what was it for? Only to convey away the food of the people of Ireland. [*Cries of Oh! oh!*] Hon. Gentlemen cried out "Oh! oh! For whenever one Member uttered the truth, half the House were in agony. He would say that this proposition was holding out a premium to the absentees of Ireland, who were spending their money in England and on the the Continent of Europe, instead of their own country. Why did they not spend their own money in Ireland? Did we in England ask for money for such purposes as this? He thought that if the money were granted, the damage that would arise to the owners of land connected with the river must be greater than any public profit derived from it would compensate for. It was the principle that was so objectionable, for if money were granted to one part of the kingdom, it must be granted to other parts. Considering the state of the finances of this country, and the difficulties in which the people were placed, he must offer his strenuous opposition to this vote. It was perfectly unwarranted, and if ever there were a time when such a grant ought not to be made, it was the present. The country never was in greater distress, and as long as the House was constituted as it was now, their recklessness would not stop until such dangers arose as would intimidate them as to the course they were pursuing. His proposition had nothing of sense to recommend it, and was calculated to destroy the spirit of all private enterprise in Ireland. He was sure that the hon. and learned Member for Dublin would, on reflection, be satisfied that the money could not do good to Ireland if it were voted. Rents in Ireland were higher than in England or Scotland. He believed it could be proved that, at any rate, they were higher than in England,

and yet what were the wages of the labouring men? Much lower than in this country. In his opinion, the only way to correct this would be to keep the landed proprietors of Ireland at home.

Mr. *F. French* said, that when it was objected to this measure, that the people of Ireland did not spend their own money in public improvements, he would say, that had they been allowed to avail themselves of their own resources, they would not now have asked for this assistance from England—no, not from England, but from the British Empire. He saw by returns which were made to this House in 1833, that for several years before 512,000*l.* had been received from Ireland on account of the woods and forests in that country, and which sum was legitimately applicable to such works as these; but during those years only 3,100*l.* had been expended for public improvements.

Captain *Boldero* objected to the vote. If any man were to ask for such a sum for the improvement of the Thames, Humber, or any English river, he would be laughed at. Why, then, should they give money in one case, and refuse it in another. He thought that wherever money had been granted in a similar manner the committee had been in error. The hon. and learned Member for Dublin had referred to the case of the Thames Tunnel, and said that 270,000*l.* had been voted for it; but he must say that that was a different thing, and was a public work which excited the admiration of all foreigners. With a failing revenue he thought this large sum ought not to be granted, and he hoped that the amendment of the hon. Member opposite would be pressed to a division.

Mr. *Ellis* said, he certainly hoped the hon. Member opposite would press his amendment, which he would cordially support. The hon. and learned Member for Dublin had taunted his (Mr. Ellis's) side of the House with a want of liberality towards Ireland; but by certain returns, which he had moved for some time ago, and which had recently been laid on the table by the noble Lord the Secretary for Ireland, although not yet printed, he found that since the union, there had been voted for Ireland no less than 8,827,141*l.* He thought that was a pretty good sample of there not being a want of generosity on the part of England towards Ireland. He must complain of the late period at which this important bill had been introduced, and also of more than one half of the maps and plans connected with it not having yet been laid before the House. To him the bill appeared throughout to be exceedingly obnoxious. There was to be a new Board appointed, consisting of three commissioners, one of whom was to be paid, and, no doubt, to receive a very handsome salary. But why should there be a new Board? There was already the Board of Public Works in Ireland, and it was a matter of noteriety, that they had not enough to occupy their time. He did not advance anything lightly in that House; and if the Chancellor of the Exchequer asked him how he obtained his information, he would say, from the highest authority, and that none could be more satisfactory. The proof of his (Mr. Ellis's) assertion, that the time of the Members of the Board of Public Works was far from being fully occupied, consisted in this—that Colonel Burgoyne, the most efficient Member of that Board, since his appointment to it, had filled the situation of Commissioner to the Irish Railway Inquiry, and had also acted in the Commission for the improvement of the Shannon Navigation. Mr. Ottley, another Member of the Board of Public Works, had likewise served in the last-named Commission. These were no inconsiderable duties to perform, and had not these Gentlemen discharged them well, and without detriment to those previously imposed upon them? Then, who so fit as they to work out the objects of the bill before the House? And what could furnish a stronger argument for placing the execution of the proposed improvements under the Board of Public Works than the fact that already two of its members, with sufficient time to give it their attention, had the whole subject at their fingers' ends? Moreover, the heaviest part of the business had already been accomplished. All enquiries are said to have been instituted—all claims to compensation considered and determined—the nature of the works decided—the plans arranged in detail, so that nothing remains but a simple supervision of certain works, every detail of which has already been adjusted after minute and careful examination of the circumstances connected with it. But, instead of availing themselves of the Board of

Public Works, established under Lord Grey's Government for the precise purposes named in the bill before the House, they were recommended by the right hon. Gentleman to form a new board altogether—create extensive patronage, with a new secretary, solicitor, engineers, a host of clerks, and a whole corps of placemen, perfectly unnecessary, and subject only to the approval of the Commissioners of the Treasury. The bill also contained a clause for making the awards of the commissioners final. No appeal was given to a jury of the Court of Queen's Bench, nor was any other remedy provided. Such was the tyrannical way in which it was sought to trample upon the rights of private property. He was not indisposed to be liberal with the public money advanced upon a proper basis, and sought to be appropriated in a manner calculated to develope the natural advantages of so noble a river as that of the Shannon, to give increased facilities to commerce in Ireland, and to stimulate a valuable mercantile intercourse between that country and Great Britain; but he thought it did behove the Chancellor of the Exchequer to be more wary, and to become more enlightened in his views, before he submitted measures such as that for the consideration of Parliament, and bearing, as it did, upon a subject of great public import. The right hon. Gentleman had found himself compelled that evening to offer explanations, and to seek to remove a colour of suspicion which had been given to his bill by reason of the questionable manner in which he had framed it throughout. He cautioned the House to be vigilant, and to avoid hasty legislation on a question of such vast interest; and, for the reasons he had stated, he thought they would do well to refuse to go into Committee upon a bill which was not to be held in a more favourable light from having been laid before them under the significant auspices of her Majesty's Government.

Lord *Clements* informed the hon. Member for Newry, that all the maps and plans he desired were before the House. He was surprised to hear the proposed grant called a profligate expenditure of the public money, for one-half was to be supplied by Ireland, and the other half was to be refunded from the tolls of the river. He never heard a more shabby, illiberal, and disgraceful argument against a national advantage.

The House divided on the original motion:—Ayes 64; Noes 25: Majority 39.

List of the AYES.

Adam, Admiral
Attwood, T.
Baines, E.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. C.
Bernal, R.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Buller, C.
Campbell, Sir J.
Clements, Viscount
Cochrane, Sir T. J.
Codrington, Adm.
Cole, Viscount
Donkin, Sir R. S.
Dunbar, G.
Dundas, Sir R.
Evans, W.
Ferguson, Sir R. A.
French, F.
Gisborne, T.
Grattan, J.
Grey, rt. hon. Sir C.
Hawes, B.
Hodgson, F.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Langdale, hon. C.
Lushington, C.
Lushington, rt. hn. S.
Maule, hon. F.
Morpeth, Viscount
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Pechell, Captain
Perceval, Colonel
Pigot, D. R.
Power, J.
Rice, rt. hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Scholefield, J.
Smith, B.
Stuart, Lord J.
Stock, Dr.
Style, Sir C.
Troubridge, Sir E. T.
Vigors, N. A.
Walker, R.
Williams, W. A.
Wood, C.
Wood, G. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Baring F.
Parker, J.

List of the NOES.

Aglionby H. A.
Bagge, W.
Boldero, H. G.
Bowes, J.
Broadley, H.
Burroughes, H. N.
Eaton, R. J.
Ellis, J.
Hector, C. J.
Henniker, Lord
Hutt, W.
Inglis, Sir R. H.
Lockhart, A. M.
Lowther, hon. Col.
Morris, D.
Pakington, J. S.
Plumptre, J. P.
Pryme, G.
Richards, R.
Sheppard, T.
Sibthorp, Colonel
Thorneley, T.
Turner, W.
Wakley, T.
Wood, Col. T.

TELLERS.
Finch F.
Williams, W.

House in Committee. On the second clause appointing three commissioners.

Colonel *Sibthorp* inquired what salaries were to be given to the Commissioners?

The *Chancellor of the Exchequer* said, that only one commissioner was to be paid, and he was to receive the same salary as the junior Member of the Board of Works, which, he believed, did not exceed 600*l.* a-year.

Mr. *Ellis* would move, as an amendment, that there should be two instead of three commissioners, so that there should be no paid commissioner at all.

The Committee divided on the question

that the blank be filled up with the word three:—Ayes 58; Noes 18: Majority 40.

Bill went through the Committee.

METROPOLIS POLICE.] Mr. *F. Maule* moved the third reading of the Metropolis Police Bill.

Captain *Wood* objected to the motion. It had been understood that this bill should be delayed until the Metropolitan Police Courts Bill had gone through Committee; and as he had amendments to propose in case certain provisions were continued in the latter bill, he should divide the House on the question of the third reading of the present bill.

Mr. *F. Maule* said, that though there certainly was a connexion between the two measures, still it was not so close as to make the bill inoperative in case the other to which the hon. and gallant Member alluded should not pass into a law. The present bill had already been too long delayed, and as it had been fully discussed for fifteen hours in Committee, he trusted the hon. and gallant Member would not persist in his opposition.

Colonel *Sibthorp* opposed the bill. Though the bill had been amended in Committee, still he entertained the opinion he had already expressed, that a more obnoxious and oppressive measure never had been introduced to Parliament.

Mr. *Wakley* said, he had opposed this bill as much as he possibly could; but as it had undergone several valuable amendments in Committee, he should not resist its third reading.

The House divided:—Ayes 42; Noes 2: Majority 40.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baring, F. T.
Bernal, R.
Bridgeman, H.
Broadley, H.
Brotherton, J.
Burroughes, H. N.
Clements, Viscount
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Gisborne, T.
Grey, rt. hon. Sir G.
Hawes, B.
Howard, Sir R.
Hume, J.
Irton, S.
Langdale, hon. C.
Morpeth, Viscount
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Palmerston, Viscount
Pechell, Captain
Pigot, D. R.
Plumptre, J. P.
Power, J.
Pryme, G.
Rice, rt. hn. T. S.
Roche, W.
Rolfe, Sir R. M.
Rutherfurd, rt. hn. A.
Smith, R. V.
Stock, Dr.
Style, Sir C.
Talbot, C. R. M.
Wakley, T.
Wood, C.
Yates, J. A.

TELLERS.
Maule, F.
Parker, J.

List of the NOES.

Knightley, Sir C.
Parker, R. T.

TELLERS.
Wood, Col. T.
Sibthorp, Colonel

Bill read a third time, and passed.

HOUSE OF LORDS,

Thursday, July 18, 1839.

MINUTES.] Bills. Read a first time:—Metropolis Police; Register of Births; Gaol Delivery; Lower Canada Government.—Read a second time:—Indemnity; Soap Duties Drawback; Stannaries Courts (Cornwall); Highways and Turnpike Roads Returns.

Petitions presented. By the Marquess of Bute, from the General Assembly, for further Grants to the Church of Scotland; from Glasgow, against forcing a Minister upon any Parish.—By Lord Wharncliffe, from Suitors of Halifax, against the Delay in passing the Small Debtors Court Bill.—By Lord Lyndhurst, from Merchants and others of Glasgow, against the Russian Blockade in the Black Sea.—By the Marquess of Bute, the Earl of Stanhope, and Lords Ashburton, and Segrave, from a number of places, for a Uniform Penny Postage.

MELLERAIE REFUGEES.] Earl *Stanhope* presented a petition, signed by seventy-two British subjects, late of Melleraie, in France, but now of Mount Melleraie, in Ireland, complaining of having been "dragged out of their domicile, evicted out of their property, incarcerated, and transported," and praying for the production of the documents, and for the adoption of measures to obtain compensation for indemnity and damages. The noble Earl wished to know, whether there would be any objection to the production of the documents the petitioners prayed for.

Viscount *Melbourne* said, that his noble Friend had incorrectly described the petitioners. He believed, that they were originally settled at Lowther, and in consequence of an arrangement with the government of France, in 1817, the inmates of this convent left this country and passed over to De Melleraie, in Brittany, where they settled. Soon after the revolution, by which the present dynasty was seated on the throne of France, namely, early in 1831, it was wished by the Legislature of that country, that certain monastic institutions should be abolished, and this convent came within the description. The inmates were unwilling to leave it, and appealed to the English Government, which took the subject into consideration, and a lengthened correspondence took place on the subject. The inmates of the convent were at present in the south of Ireland. The opinion of Sir Herbert Jenner had been taken on this subject, and he stated, that what had been done was in conformity with the law of France, and that it appeared, that no unnecessary violence had been used to eject these persons from the monastery; and, under all circumstances, there was no ground for the Government of this country calling for satisfaction from the Government of France for the treatment these persons had experienced. He was not aware, that there was any objection to the production of the documents alluded to by his noble Friend.

MESSRS. LOVETT AND COLLINS—RIOTS AT BIRMINGHAM.] Lord *Brougham* called their Lordships' attention to a subject of very great importance, growing out of a petition he had to present, because it involved conduct the most shameful he had ever heard of, reflecting the greatest disgrace on all the parties connected with it, and at the same time most discreditable to any Government. He had two petitions in his hand: the first did not so immediately refer to this object as the second. The first was the petition of William Lovett, of North-place, Gray's-inn-road, and Joseph Collins, of Birmingham, and he should shortly state the facts to which he wished to call the attention of the House, and more particularly that of his noble Friend near him. It appeared, that the petitioners were apprehended in Birmingham by some constables in that town, on the 6th of July, and taken before the bench of magistrates, charged with publishing and circulating a seditious libel, calculated to lead to a breach of the peace. He had read those alleged libels, which were in the form of resolutions agreed to at a meeting in that town, called respecting the conduct of the police in the town. He would not give any opinions about this alleged libel, suffice it to say, that the language used in it was very strong, and it might be a question as to the propriety of putting the men on their trial or issue. He had no complaint to make as to the putting these men on their trials, but he had to complain of the mode in which these petitioners had been treated. They state, that after they had been taken before the bench of magistrates they were lodged in a gaol in the town; that at half-past eleven o'clock, on the morning of the 7th, they were removed to the county gaol of Warwick, having been finally committed for trial; personal bail to the amount of 500*l.* having been demanded, and two securities each in the sum of 250*l.* The petitioners justly complained of the exorbitant amount of bail demanded, and as they were only working men, it would be almost impossible for them to procure the bail among men in their own sphere of life. They stated, that when removed to the county gaol they were stripped stark naked in the presence of two turnkeys, and examined all over to discover if there were any marks on their bodies, an indignity which they emphatically remonstrated against. If Sir F. Burdett, who in the same county was, within our recollection prosecuted, tried, and convicted of the same offence, viz. of publishing a seditious libel in that county—if he had been incarcerated by warrant of the Birmingham justices, and carried to Birmingham gaol, the treatment which the petitioners had undergone must, of course, have been the lot of Sir F. Burdett. He confessed, that he did not believe the statements in the petition when he first read them, but a most respectable inhabitant of London, who had applied to him to present the petition, had made the most strict inquiries on the subject—he had subjected the parties petitioning to the most scrutinizing investigation and to the most rigid examination; and no man that he was acquainted with was better qualified, out of the profession to which he belonged, to carry on such an inquiry; and he, therefore, having received the assurance of this person, had no hesitation in saying, that he would pledge himself, as far as he possibly could, to the accuracy of this extraordinary statement. The petitioners, in allusion to the further indignities to which they were exposed, were taken into a room in which there were no less than eight prisoners some of whom were in a filthy state; that they were compelled to strip themselves naked, and to bathe in the same cistern of water with those men, and to dry themselves with the same towel, and that a common felon was ordered to cut the hair off their heads—an indignity to which they had been compelled to submit—[*Laughter.*]—He was astonished and extremely mortified to find that such a statement as this should produce, in any part of the House, tokens of merriment. He deemed it to be the most disgraceful conduct he had ever known; and he felt ashamed to belong to a House in which such a statement could excite a smile. He really was ashamed to belong to any place where any set of men were, who could hear a detail of such indignities offered to their fellow-subjects, and who could consider such details as a source of merriment. It could only, however, be with a very few of their Lordships. The petitioners then stated, that their shirts were taken from them, and marked with the initials of their names, in characters almost an inch in length; that they were put into a room in which there were twenty-two other persons on various charges, and one of them was infected with the itch; and under these circumstances, they were kept in confinement for eleven days in the county gaol of Warwick. They also state that they were compelled to fall into ranks in the open yard with other prisoners to receive their food, and to be examined by the doctor to see if they had taken the itch; that they were exhibited to persons who came to the gaol from curiosity; that they were confined to the common gaol allowance, a small loaf, which they believed did not weigh more than one pound and a half, one pint of oatmeal gruel, without salt, and two ounces of cheese each day, except Sundays and Wednesdays. when they were served with one pint of what was called beef soup, but in which there was not the appearance of anything like meat, but it was so offensive that they were obliged to abstain from eating it. In addition to the common gaol allowance, they were allowed, with the untried prisoners, to spend threepence a day on butter, eggs, and bacon, but they were not allowed any fire to cook them, and were obliged to eat them raw; that during eight out of the twenty-four hours, they were locked up in a cell, and that they were compelled, under the pain of solitary confinement, to make their own beds, and to roll them up in so compact a form as totally to exclude the air, the result of which was that when they were unrolled the smell was most offensive. In addition to this they were prohibited from seeing any person but the gaoler;, except at certain hours, their watch money, and every thing were taken from them, and they were not allowed to use either knife or fork. No books were allowed them, or pens or paper, and they were not allowed to read any letters that were addressed to them until they had been previously read by some officer of the gaol. In making these statements, the petitioners did not complain of the personal conduct of the governor, but prayed the House to take their case into consideration. The result, therefore, was, that the petitioners were detained eleven days, upon the ground that they had not offered sufficient bail, although they had in vain urged, that it was difficult for men in their situation to find it in a place where they did not reside. Bail, however, was tendered, but it was refused without any inquiry being made as to its sufficiency. Two Members of the other House then went down to offer bail for one of these petitioners, who, he was told, was a most respectable man, but with whom he was not acquainted. Instead, however, of its having been found necessary to call for further bail, inquiry was made, and then the magistrates discovered that the bail offered at first was perfectly sufficient, and these persons were then allowed to go out. Why were these persons confined for eleven days? Why was not the sufficiency inquired into for this long period, while the petitioners were treated as common felons, when they had not been apprehended upon any charge that called for rigorous treatment. He contended, that no man charged not merely with a political offence, but with felony, or even murder, should be treated in this way. No right existed to treat any felon before trial in this manner, according to the law of any civilized country, nor was power given to do more than detain a man in save custody. Here, however, were men not charged with any serious offence, exposed to every indignity, their persons exposed, their property torn from them and themselves drawn up in the tiltyard of the gaol, to be made a show of and spectacle to the visitors of the prison; and this merely because they were unable to put in sufficient bail, when, in fact, the bail they offered on examination was found to be ample for the purpose; and this, too, when *non constat* a bill would be found against them — when *non constat* that further proceedings would be carried on —when *non constat* that they would be tried—when *non constat*, that even in case of conviction, they would not be discharged on paying the fine of a shilling. He appealed to his noble and learned Friend, the Lord Chief Justice, as to whether he was not right in the view that he had taken of the law of the case. He had seen what was called the libel for which these persons were served, and hardly a day passed that he did not see a worse libel in the newspapers. With respect, however, to the treatment that these petitioners had experienced, he would only say, that it was impossible that they should not go out of gaol degraded and irritated men, and with feelings not becoming loyal subjects of the Crown, nor was it likely that they could have feelings of respect for the laws and the magistrates who administered them. He was sure that men who had had such indignities passed on them in a common gaol would feel themselves disgraced men the whole of their lives. He had also a right to assume that these persons were innocent of the charge brought against them, on the ground that all persons before their trial were presumed to be innocent. With respect to the conduct of the magistrates, it was not at all surprising that persons who had been too active in the first instance should afterwards become too supine when they saw danger approaching. Indeed the general feeling was, that when there was over-activity in the first instance, a want of activity would follow. The other petition was from the chairman of the Working Men's Association in Birmingham, and alluded to the violent proceedings of the police at a public meeting held on the 11th instant in that town. They complained that they had been attacked by an armed body of the London police, headed by the mayor of Birmingham, and men, women, and children were most severely and inhumanly beaten. He had not made any inquiry into this, but he took the statement in the petition as he found it, and it was possible that it was somewhat exaggerated. This, however, bore him out in what he had previously stated, namely, that the magistrates who were too active before the 14th July, would become too supine afterwards. This was an occasion on which those who had always taken a part on behalf of the rights of the people, and on behalf of free public discussion, and on which it was the bounden duty of the Parliament of this country, and of those anxious to extend the political rights of those who did not at present enjoy the Parliamentary franchise, to express their firm and decided opinion in reprobation of all acts which even tended to a breach of the peace. There could be no enemy more implacable, no opposition more perilous, none likely to prove more fatal to the establishment and extension of the rights of the people, than those men who urged the people on to breaches of the peace, in which violent and guilty operations those very men were too often themselves not found to be engaged. Very active and forward to urge others on, they shrank from the danger which their machinations created. Those who, by their pens and pamphlets, and still more by their tongues at public meetings, had done the work of sedition and mischief, were not found in the hour of danger at what they were pleased to call their posts, at which, in their writings and their speeches, they were fond of saying they would always be, but were skulking in the dark, and leaving the suffering and the danger to the victims of their seduction. One such occurrence as this which had taken place at Birmingham would do more towards putting back reform, than any act or omission of either Government or Parliament. For these reasons, and in mercy to the people themselves, he hoped that vigorous measures would be taken to prevent a recurrence of such scenes. He remembered a frequent saying of a most gallant Friend of his now no more, the late Lord St. Vincent, a nobleman as much distinguished as a statesman as naval commander—that no error could be more fatal than theirs, who, from misplaced humanity (which he often called timidity), abstained from taking immediate measures to put down mischief and preserve the public peace; and that the true humanity was to be vigorous in season. No one who knew the individuals who held at the present time the office of magistrates at Birmingham, would think of imputing to them more than an error of judgment, and a mistaken feeling of humanity; but however amiable and venial such errors and such motives might be in private life, yet when a man takes upon himself the office of magistrate, it should be with the determination to brace himself up to act as a magistrate was sometimes bound to do. He hoped, however, the investigation that he understood was to be entered into, might lead to their acquittal of even that venial offence; and pending that investigation, it would be manifestly improper to say one word in accusation of them.

The Earl of *Warwick* felt himself bound to state to the House what he knew with respect to the recent unfortunate occurrences at Birmingham; especially as insinuations had been thrown out elsewhere, that in the high office which he held, as Lord-lieutenant of the county of Warwick, he had not fully discharged his duty towards the Government in respect of these events, and had held back from the Government that support to which they were entitled from him. With regard to that accusation he felt quite sure that he need not call on any noble Lord then present, nor refer to anybody, nor to any authority but his own declaration, when he stated that such had never been his practice. No one could be more aware of that fact than the noble Viscount himself, with whom, when filling the office of Secretary of State, he had had repeated communications, some of them with respect to occurrences very similar in their origin to those which were now under consideration. It had, however, been insinuated in another place, that he (the Earl of Warwick) had withheld from communicating with the Secretary of State on the late events at Birmingham, and he had been in a manner animadverted upon for it; but he could assure their Lordships that he had had no reason for doing so until the moment when he rose on a former evening to address their Lordships on the subject; and he could further assure their Lordships, that in the course which he took on that occasion he had not had the slightest wish to interfere with a single arrangement which the Government might have had in contemplation. He felt that it would be unbecoming in him to enter into any further statement with respect to these unhappy occurrences at Birmingham, as some investigation was about to take place—an investigation which he hoped would prove satisfactory. If, however, his information was correct, and he had no reason to doubt it, it would appear that no magistrates were present at the scene of outrage until after the houses were burned and plundered. He was far from desiring to prejudice the case of the magistrates, but that there was cause for blame somewhere was indisputable, and the question was, on whom to affix that blame. He had been found fault with for having said that these Birmingham magistrates were many of them members of the political union, and there was only a shade of difference between the political unionists and the Chartists. Why, some of these very magistrates had been accustomed only a short time since to walk arm in arm with the men now in gaol on account of these disturbances. These political unionists had been taught that, some time or other, force must be used before the people could attain their rights. Many meetings had been held, at which sentiments of this kind were publicly stated, but the magistrates having gone as near the wind as they could, were at last obliged to state that those meetings must be held no longer, when up started half a dozen of these Chartists and argued, "if what they wanted could not be got without force, then they would be justified in using it." He maintained, that those who by their presence at such meetings countenanced such opinions were quite as culpable as the individuals who had been taken up for their participation in these riots. Yet the political unionists called themselves Whigs—and Mr. Attwood maintained he was no agitator, though for the last ten years he had been engaged in agitating the people of Birmingham. He could not feel surprised that those who had been agitating Birmingham for so long a time past, should find themselves now unable to control the people and prevent them from appealing to that physical force which, by some of their leaders, they were told was their only means of obtaining a concession of what they conceived to be their political rights. The mode in which the magistrates in the different borough towns in Warwickshire had been appointed by the government was not calculated to preserve the peace of the country under the Municipal Corporation Act. With regard to Birmingham, in particular, the Secretary of State for the Home Department had not sufficiently regarded the claims of individuals professing Conservative opinions in his appointment of the magistrates. Of the old magistrates of Birmingham ten out of twenty-two were retained, four only being of the Conservative party, while the remaining six were of the other party, to whom were added no less than thirteen persons, more or less connected with the political union, thus leaving only four Conservatives to nineteen of the other party. This was a species of fairness which he could not understand, the more so as it was volunteered by the Secretary of State, and was not the result of any particular application. He thought what he had stated afforded ample reasons why some inquiry should be instituted into the appointment of magistrates in the borough towns; and he should, therefore, certainly take an opportunity of moving for a return of the magistrates appointed under the Municipal Act in the corporate towns in Warwickshire.

Viscount *Melbourne* felt himself called upon to say a few words on the subject of this petition, and on what had fallen from the noble Earl who had just sat down. It must, in the first place, be quite evident to their Lordships, with reference to the petition that had been presented by the noble and learned Lord, that it was utterly impossible for him on the present occasion either to contradict, deny, or give any explanation of the charges and statements which it contained. If the noble and learned Lord had informed him of the circumstances stated in the petition, it would then have been possible for him to make himself master of them. Undoubtedly, the petition of these persons confined in gaol in default of bail complained of much treatment that was very harsh and severe. The noble and learned Lord, although he acknowledged that the alleged libel was a violent writing, urged that writings equally violent appeared every day in the newspapers here, and that nobody thought for a moment of prosecuting the writers; but surely the noble and learned Lord would make some allowance for the different state of society here and in Birmingham. There were many matters which might be very well passed over in times of peace and tranquillity which in times of violence and danger, it was quite justifiable to prosecute. Whether the magistrates improperly refused to take bail, or whether they did not sufficiently inquire into the bail, or whether they kept the petitioners too long in confinement, were all questions that might be quite worthy of being inquired into; but surely it was not too much to ask from their Lordships a little calmness and deliberation—that they should not be quite transported by the mere statements they received—that they should not pronounce upon the conduct of magistrates when they were only attacked on *ex parte* statements, and were not in a situation to be heard in their own defence. With respect to what these individuals were said to have suffered in gaol, by being bathed and having their hair cut, he did not know whether it might not be considered that such gaol regulations were very wrong and a great hardship, where persons were lodged there merely for the purpose of awaiting their trial; and certainly it did appear to him that some of our gaol regulations were rather strict. And as to what the noble Lord had said about Sir Francis Burdett, that had he been convicted of the libel in Leicestershire, he might have been subjected to the same treatment; why, was not the object of all our laws, and particularly our penal laws, to equalize as much as possible punishment to persons of all ranks. Whether we did not push this equalizing principle too far, and in our eagerness to secure justice and equality, run the risk of producing injustice and inequality, was another question; yet to attain this equality had been the object of all our modern legislation. With respect to the petition itself, he could only say that the matters in question would be inquired into, and if the grievances complained of had actually been suffered, unquestionably the utmost possible remedy and redress should be applied. If, however, these proceedings in gaols were so very harsh, their Lordships must not forget what a great number of persons were necessarily subjected to them, whose sufferings were never heard of at all, and that it was only when the parties were confined for political offences that the attention of Parliament was excited towards them. He now came to what had fallen from the noble Earl the Lord-lieutenant of the county of Warwick. The noble Earl had commenced his statement with some vindication of his own conduct. He knew nothing of any observations made in another place with regard to the noble Earl, and he had had no reason to speak of him otherwise than with praise and approbation, while he (Lord Melbourne) was officially in communication with him as Secretary of State for the Home Department. His noble and learned Friend seemed in some observations he had made to countenance an opinion expressed in this House on a former occasion—that there had been supineness, want of attention to their duty, neglect, and inactivity on the part of the magistrates of Birmingham. Without desiring to enter into any detail on the the subject, he nevertheless felt bound—the charge having been so strongly brought forward, and supported by such high authority—to put the House in possession of a statement which had been addressed to the Secretary of State for the Home Department, by the Mayor of Birmingham himself. It was received by the Secretary of State this morning, and it stated the course which had been pursued by the magistrates, and the circumstances which had taken place in the recent melancholy occurrence. The noble Viscount read the following letter:

"Birmingham, July 17, 1839.
"Wednesday Night 11 o'clock, P. M.

"My Lord—The hurry in which I have been compelled to address your Lordship during the two last nights, has prevented my sending any details of the existing disturbances—details now rendered necessary, not only by the directions in your Lordship's letter of yesterday, but by some statements of a most unfounded character, which the magistrates understand have been lately sent to your Lordship.

"The magistrates, after several days of perfect quiet (from Tuesday the 9th, to Sunday the 14th inst., both inclusive), thinking Monday the 15th a day very likely to need protection, on account of its holiday character, sat at the Public Office till five o'clock, P. M., to consult as to the means of defence in case of any outbreak. Although their sittings on former days had been marked by the production of numberless reports of the most alarming character (scarcely one of which proved true) they received at their sitting only two reports of any moment; one, that a meeting was to be held at half past twelve (noon) at Holloway-head; the other, that the mob intended to arm themselves at night. With regard to the first, if a meeting were designed, none took place; and with respect to the second, it came before the magistrates, backed by evidence no better, or more specific, than that which had characterised all previous rumours, and was, like them, too vague, even if true, for definite action. At five o'clock the magistrates adjourned, leaving word at the Public Office, that if any the slightest appearance of disturbance arose, they were to be sent for forthwith—an arrangement adopted for one or two evenings since the town had resumed its wonted appearance of quiet. At seven, one of the magistrates was at the Public Office; he found all tranquil, and went home. At half past seven a gentleman saw the close of the meeting held, without the knowledge of the magistrates, at Holloway-head, and observed the members of it move towards the centre of the town. He arrived at the Bull-ring at eight, and declares, (so little did he anticipate any evil effects from this meeting) that even at a quarter past eight, when he was in the Bull-ring, and after seeing so much more than was then known by the magistrates, he had not the slightest fear or expectation of riot or disturbance. At a quarter past eight one of the magistrates was in New-street, a very short distance from the Bull-ring, and although engaged in conversation for some minutes in that street, neither saw any symptoms, nor heard any rumours of disturbance. At about the same hour another magistrate passed through the Bull-ring, and, seeing no semblance of disturbance, went home. About half past eight it appears that the Bull-ring began to fill—the upper part of it being especially crowded, when a body of men, women, and lads, appeared at the lower part of the Bull-ring. This body, there is every reason to believe, came from the Warwick-road, where great numbers had congregated to receive two "convention delegates," who were to have been released from Warwick gaol that evening on bail. The delegates did not arrive so soon as was expected, and the mob moved towards the town. On its arrival, the attack was begun by a party, consisting chiefly of women and lads, on the shop of Mr. Bourne; after assailing it for some minutes, breaking in, and commencing the plunder of it, many of the assailants moved higher up the Bull-ring, and deliberately attacked other shops, on both sides of the place, breaking their windows. In the mean time, the chief of the police started on the first material symptom of disturbance (at about half past eight) for the house of the nearest magistrate (Dr. Booth), whence he immediately drove up to my residence, about a mile and a half from the Bull-ring. He reached my house about nine o'clock. Without a moment's loss of time, we returned to Dr. Booth's, when we were informed that the crowd were breaking the windows of the Public Office. Dr. Booth and myself instantly gallopped to the barracks, about a mile on the other side of the town, and by twenty minutes before ten, had brought to the Bull-ring a considerable number of the military (dragoons), who were immediately employed, some in guarding the Bull-ring, and others in scouring the streets for a great distance round. By this time many other magistrates had arrived at the Public Office. We found Mr. Bourne's house in flames, as also the house of Mr. Leggett (the only two fired, or materially injured by fire). Several bodies of soldiers were dispatched to guard the fire-engines on their route to the Bull-ring, and in a few minutes the first engine appeared, and was followed in rapid succession by others. All were immediately set to work, and by dint of the indefatigable exertions, at once of the firemen, and of all the spectators, the fires by twelve o'clock (midnight) were mainly overcome, although they continued to burn with diminished fierceness for about an hour longer. A question has been raised, whether it was not perfectly within the power of the London police force to put down the disturbance at the first outbreak. The general opinion I find is, that it might have done so; but, it is said, the London police were ordered not to act without a magistrate. Such, in fact, is superintendent May's statement of the instructions he received from the magistrates through myself. I can only say, I do not remember having either sanctioned or conveyed any such instructions. At the same time, I am sure that if such instructions were given, they were meant to be conditional upon the number and force of the mob they would have to encounter. If small, and within their power to overcome it, it is manifest the magistrates could not have desired to keep the police inactive; but if the mob were large and dangerous, assuredly the magistrates would have been most culpable had they allowed the police to attack it, until, by the presence of a magistrate, such a military force had been collected as would have prevented the possibility both of needless injury to the police, and of the more fatal effects of a repulse. From the evidence of Superintendent May, however, it appears that there was no period, from the moment the outbreak began, at which the police force could with safety and discretion have interfered with the mob in the Bull-ring; all they could do was, to clear the street in the immediate vicinity of the Public Office, and this they did before the military arrived. Thus far, my Lord, I have stated facts; from these I think I am fairly entitled to draw the following inferences—that the magistrates were duly in attendance at the Public Office on Monday, as on the other days, since the commencement of the disturbances—that they left the Public Office on Monday evening only when they were satisfied there was no just ground of fear that the peace of the town would be disturbed—that no riot could be anticipated from the information given to the magistrates, and it was so sudden, that the requisite summons so especially enjoined could not have been conveyed at an earlier moment—that the instant it reached them, its call was obeyed; and that the troops, with admirable alacrity, were on the spot in the shortest time that, under the circumstances, was practicable.

"It is not for me, my Lord, to eulogize the body to which I belong, however warmly I may and do approve of the conduct of its members, during the distressing scenes of Monday night; and though, as an individual member of it, I feel that I should, by no implication, permit such eulogy to apply to myself; but my entire confidence in the proofs that can be adduced of their readiness, their untiring zeal, and the prudence as well as the firmness and personal courage which characterised their acts throughout the whole of the recent disturbances, makes me share most largely in the anxious wish of my brother magistrates, that at the earliest convenient moment, a commission of inquiry may test their proceedings, and try the correctness of the disparaging statements which have been so abundantly urged against them. It is, perhaps, not a little remarkable, that, though throughout the disturbances every outbreak has been promptly suppressed, this has been done without the loss of a single life.

"I have the honour to be, my Lord,
"Your Lordship's obedient humble servant,
(Signed) "WILLIAM SCHOLEFIELD, Mayor.

"The rt. hon. Lord J. Russell."

Therefore, in answer to the question put to him by the noble Earl, and in compliance with the wish expressed by the writer of this letter, he begged to state, that it was the intention of her Majesty's Government to institute an inquiry into the conduct of the magistrates of Birmingham. At the same time, however, he trusted that their Lordships would upon this, as upon all other occasions, consider the difficulty of the situation in which both the Government and the magistrates were placed by an occurrence of this description. If they were one moment too quick, as they were accused of having been in a former instance, by those who instructed his noble Friend—if there was any doubt with respect to the line of conduct which they pursued—they were assailed with a torrent of invective, condemning them for their haste, their rashness, their precipitancy, and their unnecessary violence, and with allegations that they had provoked that violence on the part of the people, of which they would never have been guilty but for their indiscretion; while, on the other hand, if they were what was deemed too late to check those mischievous and dangerous consequences which might be produced by the conduct of the mob—and much might be done in a very short time—they were invariably subjected to reproaches of the most violent character. He considered then, that the best plan which their Lordships could adopt, would be, as far as they could, to support and maintain the magistrates in their efforts to obtain peace, and not to thwart them, and by that means weaken their authority—not to consider their acts in a party point of view—not to be always inquiring what was their former political conduct or opinions, but to remember that they were now placed in authority—that the peace and safety of the country was committed to their hands—and that the manner in which they discharged their duties, and the effect which was produced, must be, in a great measure, determined by the degree of support which they should receive from the Government, and from Parliament.

The Duke of *Wellington* was not at all surprised that his noble Friend, who spoke from that side of the House, should have felt a little anxious respecting what was stated from authority with regard to his not being present in the county of Warwick on the occasion of these disturbances; and he must say, that however right the noble Viscount who had last spoken might have been in offering his explanation of the conduct of the magistrates of Birmingham—however he might have, with great reason, deprecated any blame on the part of their Lordships in reference to the conduct of the mayor of Birmingham, and of the magistrates of Birmingham upon this occasion—the noble Viscount had been so much taken up with that part of the subject, and with the justification of the magistrates and of the Government, and with his observations upon their having seized the exact opportune moment for their interference, neither a moment too soon nor a moment too late, and he was so desirous of having credit given for the course of conduct which had been pursued, that he had really totally forgotten to do justice to his noble Friend, as to the part which he had taken with regard to these disturbances. Now, he must, in justice to his noble Friend, take leave to remind their Lordships, that his noble Friend, although lord-lieutenant of the county of Warwick, had really, in consequence of the measures which had been adopted by the noble Viscount, no more to say or to do with those disturbances in the town of Birmingham than he had at this moment. Her Majesty's Ministers, in the course of the last Session of Parliament, when certain friends of his entreated that the charter of incorporation might not be granted to Birmingham, until a full and fair inquiry respecting the acceding to the application made for it had taken place, had stated, in a discussion which took place in that House, that he had understood that the matter should be fully and fairly investigated, and that it should not be made the subject of party consideration—what he understood by that was, that it should be inquired into by the Privy Council—that was, the Privy Council consisting of the noble Lords opposite—that there should be a full and fair inquiry. Whether the inquiry which took place would have been sufficient to satisfy any one else, he knew not; but the noble Lords thought proper to grant to Birmingham the charter of incorporation. The town of Birmingham was, therefore, now a corporate town, and as such the appointment of its magistrates rested with her Majesty, according to the Act of Parliament; and being so appointed, the issuing of the commission would be with the noble and learned Lord on the Woolsack, on whose discretion in the selection of proper persons to fill the office of magistrates every one would place the greatest reliance. But it happened unfortunately, that a noble Lord in the other House of Parliament, when this Act of Parliament passed, declared in his place that so long as his Majesty's existing Government was in office, he should consider it to be his duty to consult the town-council in respect to the appointment of the persons who were to be the magistrates in these corporations. He mentioned this as a matter of history of what passed four years ago, and that declaration was made at the time when the clause now in existence was agreed upon, and when another clause which had been proposed was rejected, the effect of which was that the town-council should elect the persons to be recommended to his Majesty to be magistrates. Of course, when that declaration was made, the effect of it would be that the town-council would proceed by election, and that the noble Lord would recommend that the Lord Chancellor should appoint the persons so elected. Thus, then, the King, Lords, and Commons declared that the town-council should not elect the magistrates. Her Majesty must appoint, according to the law of the kingdom, the persons who were to be magistrates, but the effect of it would be that although the Parliament declared that the magistrates should not be elected, the very persons elected by the town-councils would be appointed by the Government. This was the way, then, in which the magistrates were appointed to this corporation, and the noble Earl had no more to do with it than he had. He was not at all surprised, that the noble Viscount should be so exceedingly anxious that the House should pause before pronouncing any opinion against these magistrates for their conduct in these proceedings, or that the noble Viscount said that it must be inquired into, for in reality the noble Lord and his Colleagues were themselves responsible for these appointments, and for the conduct of those persons who had been appointed at their recommendation. The noble Viscount said that the matter must come under investigation, and he was sure, that the less that was said about it now the better. On a former occasion the noble Viscount had found fault with him, because he had said, that there was no blame to be attached to the troops, but that it was the magistrates with whom the difficulty rested, and the noble Viscount did not scruple to intimate, that the blame might be due to the troops or to the police, and he censured the conduct of some yeomanry, who had acted, some years ago, when the castle at Nottingham was burned, in consequence of those very troops having obeyed the law, in refusing to interfere until they were ordered by the magistrates. There was no scruple on the part of the noble Viscount, though he desired, that nothing should be said of the magistrates, a few nights ago to hint, that it might be the troops who were in the wrong. He did not think so, but his information was derived from the newspapers, and it might be, that the police had not acted rightly; but it appeared now that the magistrates had given an account of this transaction, and they said, there was no reason to interfere, for there was nothing from which a riot might be apprehended. Now, he had heard from a person who was in Birmingham, that a man went through the town in the middle of the day, ringing a bell, guarded by men, armed with bludgeons, giving notice, and this, too, very near the Public Office, of an intention to assemble that afternoon. It was very easy to cast blame upon persons who were incidently called upon to act, but their Lordships knew that those were most to blame who had deliberately made a party appointment of magistrates, not only in Birmingham but in all parts of the country. He just begged leave to mention one circumstance to the House, in respect of this appointment of the magistrates and of the bench of justices of Birmingham, and to say, that the clerk of the peace, and they all knew what the clerk of the peace was, of this very bench of magistrates, was the person who defended one of the persons taken up for these disturbances, before the magistrates. He would not now say any more upon this subject, except that he hoped, that this inquiry would take place at no distant period, and that the House would be acquainted with its result, and with the manner in which it was carried on, as soon as possible.

The Earl of *Warwick* said, that the accounts which were given in reference to the interference of the magistrates were certainly contradictory. There were four or five statements which he had heard, and which were diametrically opposed to one another. In one of them, however, and he believed a true one, it was stated, that during the riot the people of Birmingham were crying out for assistance, and asking where they should find the justices. He hoped, that the inquiry would be made, and that it would terminate successfully.

Lord *Lyndhurst* could not suffer this discussion to pass without making a few remarks; but, at the same time, he did not think it right to enter into any detail with respect to the conduct of the magistrates. They were upon their trial, and therefore he thought, that it would not be fair to enter into any detail upon this subject, but he must say, with reference to what had taken place, that he thought her Majesty's Ministers were deeply responsible for the transactions which had taken place. He begged to be allowed to remind their Lordships of circumstances which were past—which had taken place in September and October last, when meetings were held in every part of the country, of which no notice, or at least no unfavourable notice, was taken by the Government. They all knew, that on those occasions great multitudes assembled together, and that most inflammatory language was used—language of a most seditious nature—and that the parties who were met threatened publicly to make use of physical force for the purpose of obtaining the redress of what they were pleased to term their grievances. The inhabitants of this great city at that time blame the supineness of the Government, but there was another circumstance which called for still further observation. At the time when these meetings were being held day after day, and particularly in the northern part of the island, a Minister—a Cabinet Minister—who was presiding over the domestic transactions of this country, at a public meeting at Liverpool made a speech which, in its scope and tendency, was calculated to encourage these meetings. At that public meeting a Minister of the Crown thought proper to advert to those transactions to which it was his duty to allude in terms of strong condemnation. But instead of using such terms—and he thought, that noble Lords would agree with him on his reading the speech—the words used by the noble Lord, and the whole scope of his speech, were calculated to give encouragement to, and to incite those persons who were engaged in this transaction. He did not mean to say, that if that speech had been addressed to a private meeting in the time of calmness and of peace, it might not have been considered as free from blame; but the noble Viscount had said in this discussion, that everything depended on the circumstances under which a publication was made, or under which a speech was pronounced; and when he had called the attention of their Lordships, as he should do, to the terms of that speech, he should ask whether it had not a direct tendency to influence and to incite those who were engaged in this transaction? He held in his hand an extract from that speech, which was published at the time of its being delivered, and which had never been disputed, and which he was sure would justify him in what he had said. The noble Lord, her Majesty's Secretary of State for the Home Department, at a public meeting held at Liverpool, at a time when Chartist meetings were daily held at places around him, expressed himself in these terms: — "He would not," he said, "before such a party, enter into the field of politics; but there was one topic connected with his own departmet"—(Let the House mark that: his was a department in which he had to provide for the safety of the country)—"on which he might be allowed to dwell for a few minutes. He alluded to the public meetings which were now in the course of being held in various parts of the country." The noble Lord, therefore, alluded in terms to these Chartist meetings. "There were some, perhaps, who would put down such meetings; but such was not his opinion, nor the opinion of the Government with which he acted. He thought, that the people had a right to free discussion." [*Cheers.*] But what sort of free discussion? The noble Marquess (Lansdowne) cheered, but of what was the noble Lord speaking when he said this? He was speaking of Chartist meetings, where physical force had been spoken of, and where language of the most inflammatory nature had been used. Was that the idea entertained of free discussion by a Minister of the Crown. The noble Lord then went on: "It was free discussion which elicited truth." [*Cheers.*] There was another cheer from the noble Marquess. "If they had grievances they had a right to declare them, in order that they might be known and redressed." Now he begged to ask, whether a Minister of the Crown, the Secretary of State for the Home Department, presiding at a public meeting, in a district much agitated, in which torch-light meetings were frequently held round him was right in using such language, or whether his doing so was not calculated to encourage feelings of discontent, and to produce the most disastrous consequences. What did the noble Viscount say? He said, that he deeply deplored the occurrence which had taken place; that he had foreseen the consequences of what was going on, that he had anticipated the result which had taken place, and that he was surprised that it had not come sooner; and yet here was a Minister of the Crown, the colleague of the noble Viscount, making use of language tending to excite and encourage the discontented. Was he right then in saying that the Ministers of the Crown, that the Government of the country were deeply responsible for what had occurred? But was this all? Let him advert a little to the appointment of magistrates. The noble Viscount had said on a former night, that he did not think that the proceedings of the people should be put down by force, or by violent means; that such was the state of the law and of public feeling, that he thought it would be better that the inconvenience of these meetings should be submitted to, rather than that they should be put down by forcible means. Granted; but should not the Government have abstained from giving them direct encouragement? They had selected to fill the office of magistrates, to superintend the maintenance of the peace of Birmingham, persons who were directly implicated in these transactions. Among others they had appointed one who was said to possess considerable talents, who was a member of the Political Union, afterwards a member of these Chartist associations, who was appointed by the Chartists as one of their delegates in London, and was one of their co-trustees to enable them to manage their financial concerns, who was a delegate sent to Scotland to incite the people there to agitation and tumult; and, if what was said by his coadjutors were true, who had said that moral force was a mere farce, and that it must come to physical force, and that he would advise his friends to provide themselves with rifles to be ready for the occasion—this was one of those persons who were appointed to hold the high office of magistrate in Birmingham. The Ministers would not put down these proceedings by force—the law in its existing state might not permit it; but would they select persons like the individual he had referred to, whose being connected with these transactions in the manner he had described might lead the public to believe that the opinions which he held were not altogether disagreeable to the Government? This species of agitation which they permitted might be for the purpose of advancing party views and party objects. But it was more extraordinary still, that, in a proclamation issued by the Government, of which the noble Viscount and the noble Lord to whom he had referred were Members, in the year 1831 or 1832, these meetings were declared in express terms to be unconstitutional and illegal, and all his Majesty's subjects were warned to take no part in them, for that they by so doing would draw upon themselves the penalties of the law; and yet in opposition to this proclamation, and in direct defiance of its terms, some of the actual members of the associations by which those meetings were held were not only not subjected to prosecution, but were elevated to a situation of the highest trust and importance, in which it was their duty to keep the peace of the town of Birmingham. The House and the country had seen the consequences of that proceeding. He agreed with the noble Viscount; he was not surprised at those consequences; and he still further agreed with the noble Viscount in being surprised that such a line of policy as had been pursued by her Majesty's Government had not sooner led to such an event as had recently occurred. With respect to the transactions of the last few days he would say nothing. He had no doubt that a sufficient force, both military and police, was collected to preserve the peace of Birmingham. There was ample notice given of what was going to take place, and he thought that it was impossible to suppose that the Ministers of the Crown could have been so supine and so inactive after that warning as to have omitted to take this precautionary step. If they had neglected to do so, they would have been guilty of a high misdemeanor, and of a gross dereliction of duty. This however was quite certain, not to enter into detail, that there was a force sufficient to keep the town in order, and to repress any tumult which might arise; that persons began to assemble soon after seven o'clock, and that it was not until a quarter before ten that any force was collected to offer any opposition to their proceedings. These facts, he thought, spoke for themselves. If there was a sufficient force, then those who had the command of it, having suffered the time to pass when they should have interfered, without taking measures to repress the tumult, had been guilty of a gross dereliction of duty. A country like this, so extensive, so powerful, so intelligent, being placed in the situation in which it now stood, must regret the supineness which had been exhibited on the part of the Government. It had had its interests and its faith compromised, not by the supineness of the Government alone, but by what must be considered as an improper stimulus which had been directed to that class of persons whom they should have repressed, restrained, and checked, but whom, by their own conduct, they had contributed to encourage and support.

The Marquess of *Lansdowne* said, that the outrage at Birmingham was one which every person must deeply deplore, and there could be no doubt but the case must be the subject of an inquiry hereafter. The noble and learned Lord who had just sat down at the moment when he recognised the unfitness of the present time for any discussion as to the conduct of the magistrates of Birmingham, had shown, by the course which he had pursued, that he considered this a convenient and fit opportunity to bring a charge against the noble Lord the Secretary of State for the Home Department, not for any part of his conduct on this occasion, but for a speech which he had delivered some time ago, and which, for reasons brought forward by the noble and learned Lord, but which reasons were unfounded in fact, he attempted to connect with these disturbances. He begged to state, however, to the noble and learned Lord, and to the House, that although he laboured under the disadvantage of not being possessed of the documents which the noble and learned Lord had brought down in his pocket on this occasion, and from which he had read extracts, and extracts only, to the House, for the purpose of endeavouring to fix upon those sentences which he had quoted a meaning which they did not bear, he took upon himself to affirm that the meaning attempted to be given to them was not that which they really conveyed. [Lord *Lyndhurst* had read all that related to this subject.] Then, he said, that what the learned Lord had read could not bear the construction that had been put upon it, inasmuch as the phrases in it had no reference to the Chartist meetings, and inasmuch as it contained no expression except that in favour of that for which he had incurred the indignation of the learned Lord—an expression in favour of free discussion in this country, which the noble and learned Lord thought ought not to be approved of in that House—but an expression which he concurring with the noble Lord the Secretary of State for the Home Department, hoped would ever be the maxim of this country, that on every subject of grievance there should be free, fair, and open discussion; and for himself, he thought that no man was fit for office in this country who did not recognise the justice and necessity of free discussion. But the noble and learned Lord insinuated that by free discussion his his noble Friend lent his countenance to that spirit of violence, of disorder, and of outrage against property, which was totally alien to free discussion. He challenged the noble and learned Lord to produce one word to countenance a course which his noble Friend had disclaimed again and again. There was not, he asserted, one word in his noble Friend's speech, bearing upon those proceedings, with which the learned Lord had used all his ingenuity and all his astuteness to connect it. When words were quoted as having been used in one place, he begged to quote others used in another place, to explain his noble Friend's views. He found in the expressions of his noble Friend, referred to by the noble and learned Lord this explanation. His noble Friend had said—

> "My opinion is, that whatever may be the number of persons assembled, and however large the meeting may be, yet if they really meet for nothing more than discussion—"

Was that the case of the Chartists of Birmingham — did that encourage the Chartists of Birmingham—did this let in the employment of that brute force which unhappily appeared to prevail among the Chartists? His noble Friend said—

> "My opinion is that whatever may be the number of persons assembled, and however large the meeting may be, if they really meet for nothing more than discussion, no attempt should be made to prevent the expression of public opinion."

His noble Friend went on to say, that this was more particularly the case with regard to the Poor-law, in reference to which subject at that time many meetings had been held. Did the learned Lord object to that? Did the noble and learned Lord think that meetings on the Poor-law were the sort of meetings to be put down by that insane energy which the noble and learned Lord had invoked? Was the Government to inflame the country by putting down these meetings? That was the sense which his noble Friend gave to the expressions which he had used upon that occasion. He would assert again that there was no one assertion in the document which bore out the insinuation of the learned Lord. What part of it, however, had the noble and learned Lord omitted? His noble Friend the Secretary of State went on in the same speech to say, which the learned Lord took care not to quote, that—

> "He thought that it was not too much to expect that those who took advantage of free discussion would not abuse it by exciting others to the violation of the law, and to the injury of those who were employed in its execution."

That was the countenance his noble Friend gave to Chartist agitation—that was the countenance he gave to the employment of brute force—that was the invitation which he gave to the people, according to the gloss which the noble and learned Lord had put upon the speech—to have recourse to those acts of which not only his noble Friend near him (Viscount Melbourne), but his noble Friend the Secretary of State for the Home Department had taken every occasion, both in public and in private, to express his detestation of and his determination to repress them. With regard to the exact point, and the exact degree of discretion when it was proper for her Majesty's Government to interfere to enforce the law against violence—short of those actual outrages, which left no doubt—that must be a question to be left to the sound discretion of any Government, and of any Parliament to determine. He thought that the noble and learned Lord, as he well knew all that had been passing in this metropolis during the last five or six months, would admit that a certain degree of forbearance, on the part of the Government, had been of good use; that when there had been a disposition to take a violent course, it had had no mischievous effect, and that the efforts of the Chartists had recoiled against themselves in the Metropolis. Whilst the Government did not look upon their proceedings with indifference, it was a satisfaction to see that they had wasted their power; it was a satisfaction to find, from the declarations of the misguided persons themselves, that whilst they were unopposed by the Government, they were unable to affect the sound spirit of the people of this Metropolis, which repudiated their advice; and that though there might be some recommendation of a violation of the law, those plans were not adopted, and that the whole ended in leaving this great city free from apprehension, peacefully continuing that commercial tranquillity on which its happiness and its security depended. If the noble and learned Lord had seen in the speech of his noble Friend anything that was inconsistent with his duty, or anything that encouraged a violation of the law, either against the Government of the country, or against its peace, it was the duty of the learned Lord to have made a substantial and direct charge against his noble Friend at the first meeting of the Parliament. If his noble Friend had used language which the learned Lord deemed inconsistent with his situation, he ought to have made this charge; but although the learned Lord had not thought proper to bring it forward, it had in another place been the subject of discussion, and had produced the explanation to which he had referred. And now the noble and learned Lord revived the accusation, but to the explanation made not a single reference. Having said thus much, he hoped that he might detain their Lordships a few moments whilst he set them right upon a few facts, or a few supposed facts, which had been stated. In the first place, with respect to the charter of incorporation for the town of Birmingham—he had never given any pledge that the question of that charter should be subject to any other or different tribunal than the ordinary tribunal of the Privy Council. A pledge was given, that as circumstances had been stated which led to a fair doubt whether a majority of the inhabitants, including both the majority of the population and a majority of the rate payers, was in favour of such a charter, that no charter should be granted without a reconsideration of the question, and without the most detailed inquiry. That detailed inquiry was gone into; it was conducted by persons of business unconnected with any party, who had been sent down to Birmingham, and it was after minute inquiry, and after a report from them, that the Privy Council became satisfied, that both a majority of the inhabitants and a majority of the rate-payers, of those who had signed any petition expressing any opinion, were in favour of a charter; and after having been greatly blamed for the delay, the council did come to the opinion, that there was such a majority of the inhabitants in favour of a charter as required the Privy Council, according to the terms of the Municipal Act, to issue a charter of incorporation. In his opinion, and in the opinion of the Council, it was the intention of the Parliament that a charter should be granted where a majority of the inhabitants had expressed a wish for it, and when the population and circumstances of the town were such as required a corporation. In the next place, the noble Duke had stated, that in violation of the Act of Parliament, the Secretary of State had felt bound to act upon the opinion of the town councils with respect to the appointment of the town magistrates. Now, he assured the noble Duke, that such was not the case. In almost all the cases his noble Friend had not taken that course. There was nothing to prevent him, as there was nothing to prevent the Lord Chancellor or Lord-lieutenant, from collecting by inquiry from persons in the neighbourhood, evidence of the fitness of persons about to be appointed. In this particular case, however, his noble Friend had not taken the opinion of the town council exclusively, and he knew cases in which his noble Friend had rejected the whole of the lists furnished by that body, and had appointed the whole of the magistrates from his own inquiries of other parties. It could not be fairly said, therefore, that his noble Friend had taken only the opinions of the town councils, and had rejected the rule laid down expressly in an Act of Parliament. On another point he could not sit down without saying a few words, although he felt, that there were others in the House much more competent than he was to give an opinion upon it, and if he was wrong, he trusted that they would set him right. He meant the point of law put by the noble Lord, the lord-lieutenant of the county of Warwick, when he entertained a doubt whether the magistrates of the county were entirely excluded, by the grant of a charter, from acting within the limits of the chartered town. He apprehended that there was no such exclusion. [Lord *Lyndhurst:* They were excluded when there was a separate quarter sessions.] He believed, that they were not excluded by the Municipal Act, except by the rate-paying and rate-imposing clauses, and there was nothing to prevent their interference in criminal affairs. In such cases, he apprehended that their jurisdiction was co-extensive with that of the local magistrates. As to a communication between the towns and the lord-lieutenant, it did exist. By the Act authorising the swearing in of special constables, it was required that communication should be had with the lord-lieutenant of the county; and he had himself, as lord-lieutenant of one county, received such communications from places having corporations with regard to the appointment of special constables. This established that there was communication between the lords-lieutenant and the places so incorporated; and he believed, that their relative position remained the same, except with respect to recommendations for the magistracy, although, doubtless, if even in that matter the opinion of the lord-lieutenant should be given to the Secretary of State for the Home Department, it would meet with due respect.

The Duke of *Wellington* knew nothing of what the Secretary of State had done, but he supposed that the Secretary had done as he said. By the Act of Parliament, the nomination of the magistrates was vested in the Crown, and not in the town council; but the noble Lord had expressly said, that "he had no hesitation in saying, that so long as his colleagues and himself should be the advisers of the Crown, they would feel it their duty to adopt the most natural mode of appointing the justices, by requesting the town councils to send in a list of persons on whom they thought the magistracy ought to be conferred." With respect to the other parts of the case, he had only to say, that the Act of Parliament requiring the magistrates nominating special constables to send their names to the lord-lieutenant was an Act passed long before these local magistrates were appointed. In Birmingham there was a corporation having magistrates of its own, and that he believed, that as there was a local magistracy, with a grant of quarter sessions, the magistrates of the county of Warwick had nothing to do with any transactions within the precincts of the corporation of Birmingham. With respect to the lord-lieutenant, up to the 15th July, his noble Friend, the lord-lieutenant, had not been called upon any way to go, or to give any opinion. He had nothing to do with these transactions. Her Majesty's Ministers were alone responsible for the conduct of the magistracy, and that responsibility they must bear.

Viscount *Melbourne:* It was not necessary to call upon the lord-lieutenant to go there when he was at a distance from his county; he ought to go there of himself.

The Earl of *Ripon* said, that whatever might be the duty of the magistrates, if the Lord-lieutenant had anything to do with their town, it was their duty to make communications to him, and to afford him every information; and if they did not do this, it was not the Lord-lieutenant who was responsible. So much for the wisdom of those magistrates. But the object for which he rose was to refer to one point of the observations which had been made connected with the grant of a charter to the town of Birmingham. It happened, that with respect to this subject, the discussions in that House had originated with himself. The persons in Birmingham who were opposed to the charter, feeling, that it was called for by a small number of rate-payers, and by those who contributed but a small amount to the whole rates of the town, and that the town would be liable to be heavily taxed by the corporation if it should exist, had petitioned the Privy Council not to grant the charter. The noble Lord had heard the statement courteously, and he had afterwards understood, that it was the intention of the Privy Council to give the charter, notwithstanding the representations of those who were opposed to it. That opposition was not confined to the proportion of rate-payers, who were for or against it, but to the general question of policy. The parties then again petitioned that House to take such steps as might be thought necessary to procure the Privy Coucil to enter upon a further consideration of the case, because it was understood, that the representions which had been made to the Privy Council had given an inaccurate report of the balance of opinion in Birmingham, for or against the grant of a corporation. He had presented the petition, and upon that occasion asked his noble Friend, the Marquess of Lansdowne, whether he would give an assurance, that there should not be any charter till the petitioners had had an opportunity of being again heard. His noble Friend did give that assurance. He certainly did not say, that no charter should be granted; but he said, that the Great Seal should not be affixed to it till the persons opposing it had had an opportunity of being re-heard, of proving their own case, and of disproving the case of the other persons. The noble Lord did send down persons to Birmingham perfectly fitted for the duty to make the inquiry, and he did not make any further application, because he felt the inconvenience of any interference on the part of that House with the prerogative of the Crown. The inquiry was prosecuted, but from some parts of the inquiry which he had seen he was astonished beyond measure at his noble Friend's stating, that there was such a clear preponderance of opinion in favour of the charter, that her Majesty's Government had found, that they were bound by the wording of the Act of Parliament to give the charter. In the first place, the Government was not bound to give it even if there was a majority of inhabitant rate-payers in its favour, and next he believed, that those who had applied for the charter were but a small proportion in number of the rate-payers, and next, that a great number of persons had petitioned against it, almost equal in number to those who had petitioned for it. The amount at which the respective parties were assessed was an important ingredient for consideration before giving a charter, and he believed a great preponderance of the rate-payers was on the side of those who had petitioned against the grant. If he were wrong, the papers when they were laid upon the table would correct his error. For himself, he thought, that the Privy Council had come to a most unfortunate decision, and he doubted whether it had contributed, or whether it ever would contribute to the well-being of that important town.

The Duke of *Wellington* again said, that when he spoke, he spoke only of the altered relation which the noble Lord, the Lord-lieutenant, had with the town of Birmingham, in consequence of a corporation having been granted by her Majesty. The noble Viscount, in reply, had taken the opportunity of making an insinuation against his noble Friend (the Earl of Warwick), as if it was his business to go down to Birmingham, and not the duty of the Government to state to his noble Friend their wish that he should go down, if his services were required. The noble Viscount would give him leave to say, without getting into one of those towering passions without any cause—if the noble Viscount would allow him without incurring the noble Viscount's ire—he would remind the noble Viscount, that a short time ago, whilst addressing that House, he was very anxious to avoid any aspersions on the character and conduct of the magistrates, and on the character and conduct of the Government, but the noble Viscount was rather light in making aspersions against other parties, and against his noble Friend. His noble Friend was as ready to do his duty upon the present occasion as he had done upon others; but considering the state to which the town of Birmingham had been brought by her Majesty's Government, he thought, that it was better for his noble Friend to abstain from going to Warwick, holding himself, however, ready at all times to go to Birmingham, or to any other part of the county of Warwick in which his presence might be required.

The *Lord Chancellor* said, that it might be in the recollection of the House, that there had been petitions for, and that there had been a petition against the grant of a charter; and that the question was, on which side was the preponderance? His noble Friend, the President of the Council, caused an inquiry to be made, not only as to the proportion of population that had signed these petitions respectively, but also as to the proportion of the rate-paying persons. The result of that inquiry was communicated to him; and looking at the report of the gentleman who had been sent down to inquire, it appeared to be not altogether satisfactory. He found, that a great part of those who had petitioned against the charter were fictitious signatures, for the commissioner could not find the parties where they were said to reside. He thought, that the inquiry had not been sufficient, and instructions were given for an accurate inquiry into many circumstances. The commissioner again went down; he took the petition for the charter, and examined into its accuracy. He then took the petition against the charter to see that it was accurate, and he found that there were whole streets of fictitious signatures; and when he called upon the persons who opposed the charter, and told them, that he was ordered to investigate the names, and was ready to go into the inquiry, they declined to enter upon it. The commissioner pursued the inquiry so far as concerned the persons who had petitioned for the grant, and as those against it had declined to give him a similar opportunity, the Privy Council had, consequently, come to the decision, to which he had no doubt their Lordships, under similar circumstances, would have come, as to which side the preponderance really was.

The Earl of *Ripon* said, that this was a serious charge against all persons who had entrusted the petition to him, and it was their Lordships' duty to see whether the report was sufficient to prove those persons guilty of a fraud, in presenting a petition to that House with fictitious names. He believed that it would turn out to be far otherwise.

Lord *Denman* was unwilling to take part in that discussion; but the House would allow him to say, that nothing was so inconvenient as for noble Lords to refer to doubtful facts, which were afterwards to become the subject of inquiry in courts of law. He would venture to suggest to them, that nothing was more likely to excite strong feelings beforehand, and to cause persons to form preconceived opinions, and to come to the consideration of the facts with biassed judgments. He would venture also to offer this suggestion to the House, that if noble Lords pledged their personal characters to facts which were likely to come before the courts for decision, it would only produce injurious effects to the course of future inquiry. He was unwilling at all times to give legal opinions in that House, but he thought one of the matters which had been stated was so erroneous in point of law, and might have such a prejudicial effect in the country if it were not set right, that he thought he ought to notice it. He believed that the subject was without doubt, and that all his learned Friends in the House would concur with him in opinion, and it was, therefore, better for him to state the law than that it should go forth to the public that there should be any doubt whether the magistrates of the county had a concurrent jurisdiction when a charter had been granted, and when there was a separate Quarter Sessions. When a separate Court of Quarter Sessions was appointed by the Crown for any borough, it was clear that the jurisdiction of the county magistrates was at an end. If it were thought that they had the jurisdiction they might be required to exercise it; and if they had the power, and did not use it, they would be placed in a situation as serious as the Gentlemen into whose conduct the noble Viscount intended to institute an inquiry. Therefore, it was of great importance that it should be understood clearly, that the county magistrates could not be called upon to act within boroughs having a separate Court of Quarter Sessions upon such an occurrence as the present; but that the peace of the town must rest with the town magistrates, who, however they might be appointed, must take upon themselves the responsibility of preserving the peace of the town, and must answer for it when called to account. The Lord-lieutenant of the county, as the head of the military, had the power of calling on the yeomanry to act in any part of the county he thought proper, for the purpose of putting down riots and breaches of the peace, and one could only wonder that any doubt could exist in the minds of any of the Queen's subjects of their right to act and put down riots whenever and wherever they might occur.

The *Lord Chancellor*, in explanation, said that the applications made by Manchester and Birmingham to the Privy Council for charters were under the consideration of Government at the same time; and, upon reflection, it struck him that he might possibly have made a mistake by applying that to Birmingham which really had reference only to Manchester.

Lord *Brougham* entirely agreed with his noble and learned Friend in the construction he had put upon the Municipal Corporations Act, and that its provisions confined the concurrent jurisdiction of the county and borough justices to those corporate towns where there were no Corporate Sessions. There were Quarter Sessions at Birmingham; which consequently brought that town within the rule excluding a concurrent jurisdiction. He also entirely agreed with the position laid down in respect to the noble Earl (the Earl of Warwick) having no right to act in the town of Birmingham *quasi custos rotulorum*—the head of the justices of the peace; but that, *quasi* Military Lord-lieutenant, he was not excluded from acting in that town. He wished also to notice another mistake of a practical nature. It appeared by the statement which their Lordships had heard to-night, and of which he would say not a word, as he understood that the whole matter was about to undergo a strict investigation—but it appeared by that statement that the authorities in Birmingham had proceeded upon a supposition as erroneous in point of law, and as likely to be attended with as mischievous consequences, as any man could imagine. It not only seemed to have been thought that without the presence of the magistrates the police could not act, but also that without the presence of the mayor, one justice of the peace—in the present case Dr. Booth—could not act—Now, he begged leave to inform those worthy magistrates—if they would be pleased to take the law upon the subject from him—that Dr. Booth was just as good as the Mayor, and that there was no occasion whatever for him to have waited for the Mayor. If any delay took place before the authorities acted, it no doubt arose from that mistake. He entirely agreed with the observation that had been made as to the improper appointment of one of the magistrates of Birmingham. If it were true that the gentleman in question had thought proper to go to Perth and preach the doctrine of physical force, and talk to the people of arming, advising them not to trust to moral force, but to fire-arms and rifles, he should no more consider the public peace to be in safe custody, if such a person were appointed a magistrate, than if its keeping were entrusted to one bereaved of his mental faculties. It was not that such a man would not be disposed to do his duty properly, that he should object to his appointment, but it became necessary to consider what the effect of such an appointment would be on the minds of the people who were placed under his magisterial control. He was glad he had brought this petition before the House, because he was quite sure the effect of the present conversation would be to correct many mistakes both as to the facts of the case, and the nature of the law that bore upon them. He also rejoiced at having had the opportunity of bringing the subject forward, inasmuch as it had been the means of enabling his noble and learned Friend (Lord Denman) to declare what the state of the law really was; and to whose opinions, from his position and great and eminent talents, the utmost weight would unquestionably be given.

Petition laid on the Table.

The Earl of *Warwick* then moved for a return of the names of all the magistrates appointed under the Municipal Corporation Act in the different boroughs in Warwickshire. If he had gone down to Birmingham on hearing of the disturbances, he should not have had the least knowledge of what his situation would have been there. He knew that as Lord-lieutenant he would have had the right of acting in a military character; but he would appeal to the noble Viscount, whether he thought it would have been proper for him to have gone down and exercised that right. He never knew, till he saw an account of the fact in the public papers, that the yeomanry had been called out. He naturally supposed that the Home Secretary, if the magistrates had regularly applied to him for assistance, would have informed him of it, and then he should certainly have gone to Birmingham.

Viscount *Melbourne* said, that if the noble Earl asked his opinion upon the subject, he most unquestionably thought that the noble Earl ought to have gone down. It should be recollected, that there had been disturbances in the town of Birmingham for eight or ten days, and he certainly thought, that the Lord-lieutenant of the county ought to have gone to the spot. It would not do for the noble Earl to say, that he should have had nothing to do at Birmingham if he had been there, because a disturbance at Birmingham was calculated to produce mischievous effects in other parts of the county; a great portion of which was under the jurisdiction of the noble Earl, as a magistrate.

The Returns ordered.

REMOVAL OF ELECTORS.] The Earl of *Clarendon*, on moving that the Electors' Removal Bill be read a second time, said, he was induced to do so from no other motive than that of a desire to effect a remedy for what he considered a great injustice to a large portion of the constituency of this country, who, by the operation of the Act for registering voters, were often disfranchised, although they retained all the qualifications required by the Reform Bill. There appeared to be two classes of objectors to this bill; the one consisting of those who considered that it would interfere with the finality of the Reform Bill, and the other of those who, while professing not to object to an improvement of that measure, contended that the bill before their Lordships offered no improvement. With respect to the argument founded upon the final character of the Reform Bill, he would not say anything. He would not enter into a discussion respecting the possibility of regarding as final any act of legislation whatever, although it might at the time of its enactment be the best and soundest that human reason could devise. He did not believe that any man, in possession of his rational faculties, could maintain such a doctrine. Among the objections urged by those who considered that this bill did not offer any remedy for the evil complained of, the principal objection, he believed was, that it would revive the system of outvoting. He should be as adverse as any one to the revival of that system; but he did not think the present bill would have that effect. Was it probable that mechanics and tradesmen would go into a town, and pay rent and taxes, in order to obtain the franchise, and then quit the borough immediately, knowing that within a very few months they would lose their votes at the next registration? As an instance of the evil that now existed, he would mention the case of the borough of Salford. Among a constituency of 2,000 there were 190 annual removals; and of these not more than ten on the average left the borough; but the remaining 180 were by the law, as it now stood, disfranchised. The bill before their Lordships would prevent that injustice; and he really thought, that it was a measure which they might pass with safety. It was much desired by the people, and what he thought ought peculiarly to recommend it to their Lordships was, that it proceeded upon the safe principle of remedying grievances as they arose, thus preventing the necessity of great and sweeping, and it might be, hazardous, measures of reform.

Lord *Redesdale* admitted, that this bill affected the rights of the whole constituency of the country, of whatever party; and if he thought it was calculated to afford any relief, he should be most ready to support it. But he entertained many and strong objections to the measure. The noble Earl had confined his observations to one portion of the bill only—namely, as it regarded the voters who removed in the same borough after registration. But this was not the only grievance under the registration system. Others, of which the complaints, were, however, less loud, were equally caused by the present system. Men coming into possession of property one day after the 20th of July were kept out of their franchise for nearly eighteen months. Now, if by the law of registration, they prevented property from obtaining the franchise, they ought to be very careful not to give the franchise to persons who had no property at all. This bill would not cure the evil he had just mentioned; and he feared it was impossible so to amend the bill in Committee as to remove all the objections which might be urged against it. According to the Reform Act, no man who did not reside within seven miles of a borough could vote for the place; but, according to this bill, a man might remove to any distance from the town, and demand the right of voting at the election of Members of Parliament. Such a measure was against the spirit and letter of the Reform Act, for it would give outvoters the right of voting. Thus, a man who had been placed in the register for the town of Berwick-on-Tweed might remove to Exeter, and, in case of an election, might be sent to the former place to vote. The bill would confer the right of voting on a man who had got rid of his qualification, and he might be a beggar at Exeter, and sent to Berwick to vote for Members for Parliament. If this bill passed, they would have to get rid of the third question put under the Reform Act to a man who came up to vote, namely, whether he was still possessed of the qualification under which he was registered? He thought that the Legislature should examine into the whole subject of registration, and pass some general measure on the subject, which would get rid of the defects which were admitted, on all hands, to exist under the present system. These defects must be remedied, and, he trusted, that during the vacation, the attention of the Government would be turned to the subject, so that early in the next Session some general and satisfactory measure might be introduced on the subject. It was also a ground of objection to the present measure, that it would throw impediments in the way of a sound system of general registration, and it was a matter in which there should not be mere piecemeal or partial legislation. Under these circumstances, he should oppose the further progress of this bill, and move that it be read a second time this day three months.

The Earl of *Wicklow* said, there was one objection which had not been alluded to by his noble Friend, to which he wished to direct the attention of the House—it was the effect that a measure of this kind was likely to have on the constituency of Ireland, should it be extended to that country. The registration of county constituencies in Ireland occurred once in seven years. Now, a man might lose his qualification; and if the principle of this bill were adopted, he would have the right of voting for seven years. The result would be, that a system of fraudulent and fictitious voting would be adopted, which would completely upset the registration in that country, and would establish a state of things, if possible, worse than universal suffrage.

Lord *Colborne* said, that it was to him a matter of surprise, that a measure of this kind had not been long ago the law of the land. He agreed with the noble Earl, that if this measure were applied to Ireland with the present registration, it would be objectionable; but the registration in Ireland was essentially different from that which existed in this country, and the bill was not intended to apply to the county constituencies. Therefore, the objections of the noble Earl were not directly applicable to the bill. It was possible that a person might part with his qualification altogether, but if he did so, he could not vote under this bill. The object of the bill was, that when a voter moved from one house to another in the same borough, that he should not be considered to part with his qualification, but that he should still have the right of voting. He thought that a measure of this kind would not give one party an advantage; but be equally satisfactory to both parties, as they must be equally affected by it.

The Duke of *Richmond* did not think, that a satisfactory case had been made out to justify the House in passing this bill. His noble Friend who moved the second reading of it, stated that 180 persons who were on the register the year before last had changed their residencies, and had gone into other houses in the same borough. He could hardly think that such a large proportion of the electors had changed their residence and lost their qualifications in the course of a year in such a comparatively small town. Before they consented to a change of this extent, they ought to feel assured, that there was ample security that the persons who parted with their qualifications continued residents in the borough with which they might be connected, and that they were *bonâ fide* holders of houses of sufficient value to entitle them to the elective franchise. Under this bill, however, a man might part with his qualification in Hastings or elsewhere, and go to reside in London or Birmingham or any other place, and be still entitled to vote. It appeared to him to be very objectionable to open the doors in this manner to all sorts of fraud, for persons might not only go into the workhouse, but into prison, and be still entitled to vote. He agreed with the noble Lord that a measure so deeply affecting the registration should be a general measure, and that it was most objectionable to legislate in detail on such a subject. He should oppose this bill as a piece of petty legislation, and which would open the door to all kinds of abuses. If this principle were to be made applicable to boroughs, he did not see why it should not be extended to counties, and if a farmer who was on the register for one county removed into another he did not see, if this bill passed, why he should not be allowed to vote at the elections for the latter, although he might not be on the register.

The Earl of *Fitzwilliam* thought that all the objections that had been urged against this bill might be much better enforced against it in Committee. He trusted, that as that bill had been sent up twice from the other House, noble Lords would allow it to go into Committee, for if they did not, it might appear invidious to the other House.

The Earl of *Devon* objected to the bill as interfering in detail with the qualification and register enacted in thé Reform Act. The great thing was, that security should be afforded that the household qualification existed at the time of voting, but this bill would remove the great check that existed to ensure this object.

The Earl of *Clarendon* could not help feeling that some of the opposition that had been offered to this bill was somewhat of a personal character, and he was satisfied that six months ago it would not have been characterised in the way that it had been by the noble Lord who moved the amendment.

Lord *Redesdale* denied that he had said anything of a personal nature, or that he was actuated by personal feeling in his opposition to this bill. He objected to it, because he thought that it was a very narrow mode of dealing with ths subject of registration.

Lord *Holland* observed, that although the observations of the noble Lord might not have been very personal, still the observation of his noble Friend (the Earl of Clarendon) in stating, that the objections to the measure would not have been urged six months ago were very pertinent.

Their Lordships divided on the amendment.

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Bill thrown out.

PRISONS.] Their Lordships in Committee on the Prisons Bill.

On clause 4, which provides that the prisoners shall be furnished with the means of moral and religious instruction, "and with such suitable books as may be selected by the chaplain, or such as may be approved of by the visiting justices."

The Bishop of *London* objected to the power of selecting books being given to the visiting justices independent of the chaplain. In his opinion, the chaplain was the proper person to intrust with the selection of books, and he should therefore move an amendment to that effect.

The Duke of *Richmond* could see no objection to the visiting justices, with the chaplain, having the power of selecting books.

The Marquess of *Salisbury* had intended to have proposed an amendment on this clause, but which would not have gone quite so far as that of the right rev. Prelate. If, however, the right rev. Prelate persisted in his motion, he should certainly vote with him. Perhaps, however, it would meet the right rev. Prelate's views, if a sort of concurrent power was given to the chaplain and justices. He would, therefore, propose, that the clause should be altered so as to run—"with such suitable books as may be selected by the chaplain, and approved by the visiting justices."

The Earl of *Wicklow* was sorry that the present amendment preceded the consideration of one on which it was likely there would be such difference of opinion, one relative to the appointment of chaplains, because it appeared to him that the chaplain would very probably think it his duty not to attend a Roman Catholic prisoner to read Roman Catholic religious books. In the part of the country in which he lived, there were many clergymen who would feel it to be totally inconsistent with their duty, to allow a Roman Catholic to peruse books advocating the tenets of a creed different from their own. On this account he was anxious to avoid the possibility of such an intervention, and he should therefore vote against the amendment of the right rev. Prelate.

The Bishop of *London* observed, that if he were appealed to, as the diocesan, he should take any clergyman to task who refused to allow a Roman Catholic prisoner the perusal of books written by members of his own religious persuasion. He did not, however, think it unnecessary, that a discretion in the selection of such books should be confided even to a Protestant clergyman, as there were some books used by Roman Catholics, which were highly objectionable. One he would refer to in particular, which was a very favourite book—he meant the *Garden of the Soul.*

The Bishop of *Exeter* was bound to vote against the amendment of his right rev. Friend, because he felt it impossible, for his own part, to put into the hands of a Roman Catholic, books containing doctrines of which he could not conscientiously approve; and he should have thought it impossible, if he had not heard the contrary from so high an authority, that any clergyman could be a consenting party to putting into the hands of one of the prisoners, books which advocated doctrines different from his own.

Amendment withdrawn.—Clause agreed to.

On the 17th Clause, which provides that Roman Catholic chaplains shall be appointed to the gaols, being proposed,

The Marquess of *Salisbury* moved that it be expunged.

The Bishop of *Lincoln* objected to the principle involved in this clause. It was the first instance in which they had proposed to legislate for the payment of ministers of any other religion than the Established Church. Were the inmates of prisons the only persons who deserved the commiseration of the Government of this country? If they provided instruction for Dissenters and Roman Catholics in prisons, they would shortly be called upon to find instruction for Roman Catholics and Dissenters in other cases. He acknowledged that all who contributed to the support of the State were entitled to receive education, but then it ought to be given by the clergy of the Established Church. Whether chaplains should be appointed to workhouses under the poor law, depended entirely on the board of guardians; but what had the Poor Law Commissioners done? They said to the board of guardians, "If you appoint a chaplain at all, he must be of the Established Church." They had by that shown that they understood on what the connexion of Church and State in this country rested. This clause went, in his opinion, to the co-establishment, if he might coin the word, with the Church, of all religious denomination.

The Bishop of *Durham* said, the inmates of prisons were deprived of any religious instruction which they might get elsewhere; and he would ask whether they were to go without it at all, or whether they were not precisely the persons to whom religious instruction and consolation were most necessary, to whom it was most charitable to give it, and most cruel to deny it? The case was entirely *sui generis*, and therefore not likely to become a precedent, or to be of that dangerous character which the right rev. Prelate seemed to think.

Lord *Wharncliffe* said, that, according to law, the ministers of any religion to which a prisoner belonged had access to him at all times, and therefore there was not, in point of fact, any want of spiritual instruction in the prisons; and he agreed with the right rev. Prelate, that their Lordships ought not to open the doors wider in favour of Catholics and Dissenters.

The Duke of *Richmond* concurred entirely with what had just been stated by the noble Lord. If the principle were good for any thing, why should they limit it to fifty persons? It ought to be as applicable to one as to fifty.

The Earl of *Fingall* would support the clause. He regretted to hear the opinion of the noble Duke who preceded him, knowing that the noble Duke had paid great attention to this subject, and had had great experience in all matters connected with it, and also because he had heard the noble Duke recently say, he thought great advantage would result from separate confinement, which was one of the objects of this bill, and the greatest advantage from instruction by Roman Catholics. The noble Duke had said the principle was bad, or why limit the clause to the number of fifty; but surely there must be some definite number, and after an inquiry in the gaols, the number of fifty had been fixed on. It appeared that in many of the gaols the number of Roman Catholics was very considerable; in Liverpool, on an average, 174, so that fifty was thought to be a very good limit. The right rev. Prelate had said, that the principle was new. Undoubtedly, in England it was so; but it had been recognised in Ireland; for every gaol there had a Catholic as well as a Protestant chaplain.

The Earl of *Wicklow* agreed with the noble Earl who had just spoken, that the principle had been established in Ireland, so that it could not be called a new principle in the British dominions. The question was, whether it were advisable and just to adopt the principle in the gaols of this country. It was, however, a curious fact, and he believed it was not less true, that between the Roman Catholic and Protestant chaplains in the gaols in Ireland there was not a single instance of any ill-will or dissension having arisen. It appeared to him that the right reverend Prelate who first spoke would have been more justified in asking whether the Roman Catholic priesthood were to be at all admitted into the gaols; but that was allowed by law, so that the present question was one rather of prudence than of principle, as to how far their Lordships would sanction this claim as a guard, and watch over the manner in which that duty should be performed. As to the limit being so large a number as fifty, the power of the clause would probably only be exercised in large towns; and could anything be more objectionable than that every prisoner should choose some person to whom he would apply for spiritual instruction? He thought, therefore, that prudence and good policy required this regulation of appointing one chaplain, and that the visiting magistrates should have control over the education of the gaols. The result of that would be infinitely better than under the present system. Their Lordships would see, too, that there was nothing compulsory in the clause. It rested with the visiting magistrates, if they thought fit, to appoint a chaplain; and he thought that London and Liverpool were the only two places that would avail themselves of the power.

The *Bishop of London* said, that the noble Earl had taken notice of this clause not being compulsory on the magistrates to exercise the power which it conferred. A little consideration, however, would show that that which was said to be discretionary would be virtually compulsory on the magistrates. Then, as to the advantage to be derived from the circumstance of any chaplain not of the Established Church being chosen by the visiting magistrates, that, he thought, would in all cases be questionable; but as to the case of selecting Roman Catholic chaplains in Ireland, it was merely nominal, for the selection was always made by the Roman Catholic bishops. With regard to this not being altogether a new principle, they were come to that at last. Their Lordships were told when the bill in question and another bill for extending privileges to Roman Catholics in Ireland were before them, "the Established Church need never fear that this would be drawn into a precedent for England; the cases are quite different." Upon many noble Lords in that House an impression had been made by that statement. It was undoubtedly a new principle in this country, and he hoped their Lordships would not sanction it. Great inconvenience, too, would arise from it, because it was a wrong principle. It was impossible to doubt, that if this advantage were given—he spoke with the greatest respect towards the Roman Catholic Church—looking to the present state of controversy between the two churches—that it would be made the means of making proselytes in the prisons. The Roman Catholic priest would take advantage in the prisons of these peculiar opportunities which his religion afforded him for dissemminating his faith, and many months would not elapse before many Roman Catholics would be found in the gaols. But supposing the number of Roman Catholics to be so low as forty or forty-five in any prison, how would they get rid of the Roman Catholic priest? With respect to paying and not paying these ministers was all the difference, and not between the inmates of these prisons receiving or not receiving spiritual consolation. He believed there was no difficulty of persons of different religious persuasions receiving consolation in our prisons, but there it was wholly gratuitous. If their Lordships sanctioned this clause, they might at some future day have the melancholy satisfaction of looking back and saying, that they, from motives of charity, had done that which had ended in the subversion of true religion, and the subversion of all religion—veneration and respect being paid to none. He hoped, therefore, that their Lordships would not accede to this clause.

The *Lord Chancellor* said, this did not involve any general question; and if there were on the part of the right rev. Prelate any apprehension of danger from Roman Catholic priests being admitted into the prisons, and thereby making proselytes, he should say that the clause ought to be adopted to guard against that danger because if there was danger as the law now stood it would be lessened by this clause, as there would be only one Roman Catholic priest admitted where many were admitted before; and that one, too, in the power of certain individuals and capable of being removed. Let their Lordships consider what they did if they rejected this clause. They were denying to the Roman Catholic in prison spiritual consolation altogether. Could it be supposed that they would receive it from the clergy of the Established Church? They might be disciplined by the clergy of their own persuasion, but it was not in the nature of things, that gratuitous attendance to 170 Roman Catholics would be furnished by any member of the Roman Catholic clergy. The question, therefore, for their Lordships was, whether these unfortunate persons were to go without spiritual consolation or not?

The Bishop of *Exeter* said, that it was rather remarkable that two very different modes of argument had been used for supporting this clause. In Ireland, it was said, the number of Roman Catholics was supreme, and, therefore, it was right to adopt it, and in England it was to be adopted because they were so few. Now, if there were any principle involved in this clause, and that there was, he thought the speech of the right rev. Prelate below him had shown—was that to be sacrificed for those two instances? But he would in candour say to the noble and learned Lord on the woolsack, that if there were any justice in his argument, it would grow very rapidly when this clause was passed, and within a very short time there would be a great proportion of Roman Catholics in our gaols. The effect of this clause would be, that the Roman Catholics of England, who were very anxious to disseminate their religion, would actually bribe the prisoners to declare themselves Roman Catholics, so that soon there would be Roman Catholic chaplains in every gaol in England. All that the Roman Catholics would be required to do, who profess themselves members of that Church would be, to attend a service which every peer and every commoner, of the highest rank in this country, did attend for many years after the Reformation. The Roman Catholic religion had some very peculiar considerations connected with it, which made it exceedingly desirable that they should ask what effect this measure, if passed, was likely to have. If there were one system of religion more than another that was dangerous for prisons, it was the Roman Catholic. When he reminded their Lordships of the tremendous doctrine of absolution of the Church of Rome, he thought they would find no difficulty in that belief. He did not want their assent to the danger of this doctrine without proof. He had got the evidence given before their Lordships' House in 1825, by John Burnett, a Dissenting Independent minister, on this subject. He was hostile to the Church of England, and very friendly to what was called Catholic Emancipation. That gentleman said,—

> "No Roman Catholic of the lower orders has any dread of final perdition. I have spoken with them frequently on the subject, and never found one of them that supposed he could go to hell. If they die in mortal sin, their doctrine is, that they must go to perdition; if, however, they apply to the priest for absolution, he must give it."

He went on further, and said,—

> "The confidence of the people in their absolution, which follows confession, is such as completely to destroy in their minds any fear of future punishment. I have found this to be the case generally, and in cases where they are convicted in courts of justice they very seldom show anything like a feeling sense of their situation, which I conceive arises solely from the conviction, that the absolution enjoyed at the hands of the priest will do everything for them. I have seen myself thirty-five individuals in the dock together, sentenced to death, and I could not perceive the least degree of emotion, in consequence of the pronouncing of sentence, all which I attributed to the confidence placed in the absolution of the clergy."

When he found this to be the effect of the Roman Catholic religion, he should hesitate long before he assented to any measure like that proposed to their Lordships. He should feel bound in principle to resist such a measure if the cases of hardship were numerous, though he should do it with pain; but as it was, when such was not the case, and such tremendous consequences were involved, he should certainly resist the measure.

The House divided on the question, that the clause be expunged:—Contents 76; Not-Contents 34: Majority 42.

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Torrington.

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Remaining clauses agreed to. Bill reported.

CUSTODY OF INFANTS.] Lord *Lyndhurst* regretted at that late hour to call their attention to the Custody of Infants' Bill, but he thought he should be justified in their Lordships' opinion when he stated, that his noble and learned Friend, the Lord Chief Justice of the Queen's Bench, was now present, and had attended there the whole evening; and in consequence of his duties on the circuit, he would not be able to attend the discussion of this bill on any future occasion, and he was sure their Lordships must be most anxious and desirous to hear the opinion of his noble and learned Friend on this bill. He stated this in justification of bringing forward this question at so late an hour, but their Lordships would recollect, that this subject had been discussed on a former occasion, and twice in the other House of Parliament, and it would not necessarily occupy much of their time and attention. In a late Session of Parliament, a bill similar to the present, but differing in some of its details, came from the other House, which passed that House by a very large majority. When the discussion came on in their Lordships' House there was a very thin attendance; but after a long discussion, the second reading was lost by a small majority—a majority of two voices, there being nine votes for the second reading, and eleven against it. The bill had come again up to their Lordships, having passed the House of Commons by a majority greater than on a former occasion; and he thought, therefore, considering the sanction it had received—considering that their Lordships could hardly be considered as having expressed any opinion upon it, he came to the consideration of this question without any prejudice against it, and he was sure that on entering upon the subject it would receive their most anxious consideration. The first point to consider was, what was the state of the law with respect to the subject to which this bill applied? By the law of England, as it now stood, the father had an absolute right to the custody of his children, and to take them from the mother. However pure might be the conduct of the mother—however amiable, however correct in all the relations of life, the father might, if he thought proper, exclude her from all access to the children, and might do this from the most corrupt motives. He might be a man of the most profligate habits; for the purpose of extorting money, or in order to induce her to concede to his profligate conduct, he might exclude her from all access to their common children, and the course of law would afford her no redress. That was the state of the law as it at present existed. Need he state that it was a cruel law—that it was unnatural—that it was tyrannous—

that it was unjust? When he said that it was a cruel law, who was it that knew the love a mother had to her offspring, the delight she received in their smiles, the interest she took in all their sorrows, and the happiness she had in the superintendence of them; who did not agree with him in saying, that to deprive her of all this from base motives was one of the most cruel inflictions that could be put on her? But when he stated further, that the determination of the father might effect this without reference to the character of the mother, she being the most virtuous of women, whilst he might, for the base object he had stated, from motives of self-interest, deprive her of that access to her children—did he not make out the charge which he had originally made, that the law was a cruel, an unjust law? And if he made out such a case for the satisfaction of their Lordships, did it not follow, almost of necessity, that they would agree with him that it was the duty of the Legislature to find some remedy? He would further state, and it must strike their Lordships as an extraordinary feature in this subject, that the law he had stated applied only to legitimate children—it applied only to the issue of a virtuous mother. If the child were an illegitimate one, and the mother in consequence profligate, the law was then directly the reverse; the father then had no control over the child. In the one case, a pure virtuous female was deprived at the bare will of her husband of all access to her child; in the case of the profligate woman, as he had stated, the father had no absolute control over the child, and the mother might dispose of it as she thought proper. Mere general statements of cases of this kind were not sufficient to impress their Lordships with the cruel operation of this law; something of detail was necessary to make an impression on the mind; and, therefore, with a view of showing them how the system worked in practice, and also to satisfy them that he had correctly stated the law on the subject, he would refer to three or four cases arising out of this law, that their Lordships might see how cruelly it worked, and how it was abused. In the first case that he should refer to, the father was a French emigrant, who married a woman possessed of some landed property, yielding 700*l.* a-year. A settlement was made on him on their marriage of the interest of 200*l.* in the event of his surviving his wife. They had one child, which was an infant at the breast at the time that he referred to. The husband was dissatisfied with the settlement, and endeavoured to induce his wife to make a will in his favour. There were reasons which induced her to refuse him. What did he do? He immediately threatened to take possession of the child, and take it to the continent by law. The child was not weaned, and the mother, in the greatest distress and agony, thought she had a right to it under the circumstances, and made her escape to her mother's. The father got hold of the child by stratagem, which made it necessary for the mother to make an application to the Lord Chancellor for relief. The case was heard by Lord Eldon; he said he was powerless, and the mother was obliged to see her child put in the care of a stranger. Here was a case of extreme cruelty and hardship, and all inflicted for the basest purposes. Another case, which was the second he would refer to, was the case of a man named Skinner, who had treated his wife with the extreme of brutality and cruelty. A separation had taken place between them; he was living with another woman in a state of adultery. He had a daughter, six years of age, and he insisted on getting possession of his child. The case came before his noble and learned Friend near him, and an agreement was come to to place the child in the custody of a third person. The husband, dissatisfied with this agreement, took the child from that person, and from all custody of the mother, and put her into the custody of Delavards, the woman with whom he was living. An application was made to the Court of King's Bench, of which court his noble and learned Friend was a judge, for a *habeas corpus* to have the child brought up and delivered up to her former custody. His noble and learned Friend, he believed, was most desirous to give relief. There was a breach of agreement, and his noble and learned Friend took some time to consider the case, and consulted the other judges of the court, but they were satisfied that he could not interfere, and he was obliged to desist. Here was a case of extreme hardship and cruelty — the father living with another woman. Another application was made to the court by the mother, but the court said as the law now stood, it could offer no redress. The third case to which he should refer, was the case of Mr. and Mrs. Ball; they were separated by a decree of the Ecclesiastical Court in consequence of the adultery of the husband. In this case the child was above the age of nurture; she was desirous of remaining with the mother, and the father would not allow it. She was placed in a situation where she had no society but the society of a woman of all work. Application was made to the Court for assistance and relief. The case came on before Sir J. Leach, who at that time held the office of Vice-Chancellor. The counsel had stated—

> "The question really is, whether a child is to be deprived, by the brutal conduct of the father, of the company, advice, and protection of a mother, against whom no imputation can be raised?"

The Vice-Chancellor said—

> "Some conduct on the part of the father, with reference to the management and education of the child, must be shown, to warrant an interference with his legal right; and I am bound to say, that in this case there does not appear to me to be sufficient to deprive the father of his common law right to the care and custody of his child. It resolves itself into a case for authorities; and I must consider what has been looked upon as the law on this point. I do not know that I have any authority to interfere; I do not know of any case similar to this, which would authorize my making the order sought in either alternative. If any could be found I would most gladly adopt it; for in a moral point of view I know of no act more harsh or cruel than depriving a mother of proper intercourse with her child. I was myself counsel in two cases in which Lord Eldon refused petitions precisely similar. 'Smith v. Smith' one of them, was precisely similar in its facts to the present case, except that the father's object there was to compel the mother by such means as are now complained of, to give up to him some property, which was settled to her own separate use. My course of argument in that case was, that as the law allowed the mothers of bastards to retain possession of their children till the age of seven, *à fortiori*, must the law allow the care of legitimate children to be vested in the mother (the child in that case was under seven). The Lord Chancellor, however, refused the order, and before any further proceedings were had, either the mother's or the child's death determined the question. That was a very strong case; yet the Lord Chancellor held that the court had no jurisdiction. The petition in behalf of Mrs. Ball and her daughter was dismissed."

There was only one case more with which he should trouble their Lordships. It was that of Mrs. Greenhill. That lady while residing in the country with her three children, for the benefit of her health, was informed that her husband, who was at sea in his yacht, was living in adultery with a woman named Graham, whom he had on board with him, and by whose name he sometimes passed. Astounded at this intelligence Mrs. Greenhill went to Exeter, to consult her mother as to what she should do. She was advised to institute proceedings in the ecclesiastical court for a separation, on the ground of adultery. The husband, knowing the power which he had, sent his attorney to her, offering, if she discontinued the suit, to settle an allowance on her, which she refused, and would have nothing but what the law allowed. He then sent again to inform her, that unless she gave up the suit, he would take away the children; and on the refusal of Mrs. Greenhill to give them up or to discontinue the suit, he issued a *habeas corpus* to obtain possession of the children. The case was argued in the first instance before Mr. Justice Pattison, who took time to consider it, but he at length found that he was utterly powerless, and the order was made. It was then suggested that a court of equity might afford Mrs. Greenhill some relief, but there she fared no better; and this amiable lady, against whose purity of conduct not an imputation was even attempted to be cast, was obliged to separate herself from her friends in this country, and go with her three children to reside on the continent, to avoid the service of the process of the court, and the consequent separation from her children. He had now, he trusted, stated sufficient to show that the law as it now stood on this matter was cruel, unjust, and unnatural. If he made out that proposition, the next step was to show that it was the duty of the Legislature to provide a remedy, and then the only question was, whether the remedy proposed by this bill was such as they ought to agree to. He did not ask that the possession of the children should be taken from the father and given to the mother. What he asked was more moderate. It was, that the mother should, where she had cause of complaint in being separated from her children, go to a judge of one of the equity courts, and if she made out a sufficient case, she should have access to the children under such restrictions as the judge should think proper. Another provision of the bill was, that where a sentence of a court separated the husband from the wife on the ground of adultery of the former, the court should make such regulations for the intercourse of the mother with the children as it might deem necessary. If any alteration in the form of these clauses were required, the committee would be the proper place for their discussion. He had heard of many objections to the bill, but he had not heard of any which appeared to him to be valid. It was said that the wife was so subject to her husband by common law, that a much larger alteration in the law than the present bill contemplated would be necessary to release her from many hardships to which she was exposed; but certainly it was no fair answer to this bill, that because you could not remedy all the grievances existing, you should not attempt the remedy of one particular case of which the remedy was in your power. But then it was said, that such an alteration should not be made in the law to meet only a few cases of the kind contemplated by the bill. Why were the cases so few? Because the law on the subject was so clear and precise, that no remedy could be obtained even where the grievance was greatest and the hardship most severe. Neither was it a good objection to the bill, that a large portion of the time of the courts would be taken up by such cases, which would thus be greatly increased. Give the power to a judge to redress the grievance, and what would happen? If the party complained of conceived that his conduct was bad, and that he was in the wrong, he would not go into court, but allow the matter to be settled by the mediation of friends. There was little fear, then, of having any great increase of these applications, for it was well known that women will suffer much before they resort to a court for redress, but surely that was a good reason why redress should be given when a case of grievous wrong had been made out. He was unwilling at that late hour to trespass longer on the indulgence of their Lordships. This measure had been twice under the consideration of the other House, once under that of their Lordships, and had frequently been discussed by the press, and it was impossible he could pass over all the objections that had been urged. He had laid before their Lordships cases of great hardship, and he now called on them to sanction the remedy, by assenting to the second reading of the bill. The noble Lord moved that it be read a second time.

Lord *Wynford* agreed with his noble and learned Friend that the law was as he had stated it, and that some change in it was necessary, but he denied that the bill would effect the alteration required. On the contrary, he thought the bill was a mischevious one, which would do much harm, and no good where the good was most required. He was anxious that in case of unhappy differences between the father and mother, care should be taken of the interests of the children, and at the same time of the rights of the husband. He had on a former occasion said that he should be ready to concur in any measure which would keep both those objects in view. His noble and learned Friend had truly said, that the custody of the children belonged by law to the father. That was a wise law, for the father was responsible for the rearing up of the child; but when unhappy differences separated the father and mother, to give the custody of the child to the father, and to allow access to it by the mother, was to injure the child; for it was natural to expect that the mother would not instil into the child any respect for the husband whom she might hate or despise. The effects of such a system would be most mischevious to the child, and would prevent its being properly brought up. If the husband was a bad man, the access to the children might not do harm, but where the fault lay with the wife, or where she was of a bad disposition, she could seriously injure its future prospects. These were objections which would prevent him giving his support to the bill in its present shape. If, instead of this bill, his noble and learned Friend would bring in a bill to lessen the expense of debarring the profligate father from exercising authority over his children, he (Lord Wynford) would readily join his noble and learned Friend; but he thought they ought also to prevent the improper access of an angry woman to the children of her husband. In his belief, where the measure, as it stood, would relieve one woman, it would ruin 100 children. On these grounds, he moved that the bill be read a second time that day three months.

Lord *Denman* was of opinion that this bill ought not to be settled by the votes of the Law Lords merely. They might bring forward the result of their experience, but he thought the measure ought to be carried or rejected by the sense of the House at large. Some alteration, and that of a sweeping character, in the present law on this subject, was absolutely necessary to the due administration of justice, and for the prevention of the frightful injuries to society which the present system gave birth to. In Skinner's case, which was tried before the court of Common Pleas, it was settled, that though the Court of Chancery had, the court of law had not, the means of depriving the husband of power to remove his child. In the case of the "King *v.* Greenhill," which had been decided in 1836, before himself and the rest of the judges of the Court of King's Bench, he believed that there was not one judge who had not felt ashamed of the state of the law, and that it was such as to render it odious in the eyes of the country. The effect in that case was, to enable the father to take his children from his young and blameless wife, and place them in the charge of a woman with whom he then cohabited. After having looked at this bill with the most anxious care, and with a deep feeling of the impolicy and impropriety of going about to change the law without a strong probability of great benefit resulting, he did believe that the measure did apply as substantial a remedy as could be applied, and that there was no ground for apprehending that any evil consequences would result from the change Indeed, the probable danger appeared to him to be nothing; while the present law was cruel to the wife, debasing to the husband, and dangerous, and probably ruinous to the health and morals of the children, who could not have any such sure guarantee against corruption, under the tutelage of a profligate father as the occasional care of a mother. The principle, then, of the bill seeming to him to be correct, he must say he thought their Lordships would incur a grave responsibility if they threw out, without reading for the second time, a bill which had been sent up to them, now for the third time, by such large majorities of the House of Commons.

The *Lord Chancellor* said, the great danger in the Legislature endeavouring to arrange the disputes of husband and wife was, lest they should lose sight of that which ought to be the primary object of all courts of justice—the conservation of the rights of the children. Now, he could not but think that in this bill that had been too little attended to. He thought besides, that objections existed to the machinery of the first two clauses, which must render it impossible for their Lordships to adopt the bill. All the beneficial purposes which the present measure was intended to effect might, he conceived, be secured by extending the power of that jurisdiction with which alone the control over matters of this kind rested. Such powers, however, when given ought to be exercised with the greatest caution, and always with a view to the interests of the children.

Amendment negatived. Bill read a second time.

HOUSE OF COMMONS,

Thursday, July 18, 1839.

Minutes.] Bills. Read a first time:—Sale of Spirits (Ireland); Jurors and Juries (Ireland); Sheep Stealers (Ireland); Postage Duties; Assaults (Ireland); Excise Licenses.—Read a second time:—Highways; New South Wales; Unlawful Oaths (Ireland).—Read a third time:—Registers of Births.

Petitions presented. By Mr. Leader, from St. Clement Danes, against the Collection of Rates Bill.—By Mr. John O'Connell, from places in Kerry, in favour of the Irish Municipal Reform Bill; and against the renewal of the Bank of Ireland Charter.—By Mr. Lockhart, from Argyle, and Lanark, for Church Extension in Scotland.—By Mr. B. Smith, from Norwich, in favour of the Government plan for National Education.—By an hon. Member, from the Leicester Union, against the Continuance of the Poor-law Commission Bill.—By Sir G. Grey, Colonel Sawley, Viscount Powerscourt, Sir B. Hall, Mr. Baines, Mr. Divett, and Mr. Turner, from a great number of places, for a Uniform Penny Postage, but against Stamped Envelopes—By Mr. Barnard, from Deptford, against the Collection of Rates.—By Mr. F. Maule, from Glasgow, against forcing a Minister upon any Parish.—By Sir T. Acland, from Devon, against the Clauses concerning Out-doors Relief in the New Poor-law Act.—By Mr. Denison, from Coach Proprietors in Surrey, against excessive and unequal Taxation.—By Sir B. Hall, from Marylebone, against the Collection of Rates Bill.—By Mr. Cayley, from the West Riding of Yorkshire, against the Administration of the New Poor-law; and for the Dissolution of the Gilbert Union.—By Mr. Darby, from Stage Proprietors of Sussex, for Equalising the Taxes which press upon Travelling.—By Captain Pechell, from Brighton, against the Collection of Rates Bill.—By Sir Thomas Cochrane, from certain Coach Proprietors, for Relief from Taxation.

Government of Lower Canada.] Lord *J. Russell* moved the third reading of the Lower Canada Government Bill.

Mr. *Hutt*, before the bill was read a third time was anxious to say a few words to the House. Although he did not support with his vote the resolution proposed by the hon. Member for Leeds with respect to this measure, he thought that any person who looked at the present state of Canada would be struck with the effects of bad Government in that colony. It was only held in allegiance to Great Britain by 30,000 soldiers. Emigration to that country was rapidly diminishing in consequence of emigrants proceeding to other colonies, where they could find that protection for themselves and their property which they could not find in Canada, and all industry was suspended in its operations. Such being the frightful state of this colony, he sincerely lamented the determination, on the part of the House, to put off to another Session any legislation for the general Government of Canada, and he was not without fear that this course might be followed by another insurrection of a still more serious and fatal character. He thought that some measure ought to be adopted for regulating the disposal of land, and promoting free emigration to the colony. He considered it expedient that the noble Lord should inform the House whether it were the intention of the Government, at an early period in the next Session, to bring the subject forward. All the materials for legislating upon it had been placed within the reach of the Government by the Earl of Durham, and he thought, therefore, that the House was entitled to have some explanation from the noble Lord as to the course he intended to pursue. He trusted that the noble Lord would give some explanation, and he would not at the present moment offer any resistance to the third reading of the bill.

Mr. *Leader* also wished to say a few words on this bill before it passed a third reading. He concurred with his hon. Friend who had proceeded him as to the propriety of not offering any opposition to the bill in its present stage, but he objected to the bill in the first place because he looked upon it as a mere continuation of the Coercion Bill of last Session—he objected to it because it was a measure the Government ought not to have introduced this Session (for they ought to have brought forward, as they had promised, a measure for the permanent settlement of a representative Government in Canada)—and he objected to it, because it contained clauses such as no bill ought to pass with: he alluded to the clauses giving to the temporary Government of Lower Canada the power of taxation, and of making permanent laws against the feelings and the wishes of the inhabitants of that province. Some hon. Gentlemen talked of not throwing any difficulties in the way of such a bill, but he thought that every sort of impediment should be thrown in its way, and that such a measure ought to be made as troublesome as possible to Ministers, in order that the people of Canada might get rid of it the sooner. Now, there were to this question four parties—there were the Earl of Durham, and those who agreed with him; there was the Government; there was the people of England; and lastly the people of Canada—and he must say that the two former had most grossly neglected their duty to the two latter. The conduct of the Earl of Durham had been to him incomprehensible, especially after the speeches the noble Lord had made in answer to the addresses presented to him in Canada, and after the passages contained in his report, in which the noble Earl said it was absolutely necessary immediately, and without delay, to legislate for the permanent government of these provinces—he repeated, that after such an expression of opinion, it was to him incomprehensible that the noble Earl had neither said nor done anything to carry out his views. It was true there had been promises of disclosures—there had been assertions in the report as to the danger that would arise from delay—nay he believed the Earl of Durham had promised not to lose a moment in maintaining in his place in Parliament, the rights of the Canadas, and in attempting to effect a settlement of the difficulties which existed in the Government of that unhappy country. And what had the noble Earl either done or said? Why, positively nothing that could tend to the settlement of the question at issue, or the permanent good government of Canada. He could not blame the Earl of Durham, for he did not know what might be his motives. Neither did he blame the Gentlemen associated with the noble Earl, for he did not know by what circumstances they were influenced; but he must say, that their conduct as it stood before the country was most incomprehensible, and that the Canadian people who had trusted them had just right to be grievously disappointed. He considered the conduct of her Majesty's Government with reference to Canada, to have been highly culpable. It was their bounden duty to effect, or attempt to effect, a settlement of the government of those provinces. A great deal had been said about this subject. They had heard of it in the Queen's speech, in the message from her Majesty, and they had a distinct promise from the noble Lord, the head of the Home Department, that the Canada Bill would be introduced before Easter—then after Easter—and finally, quite certainly before the end of the Session. If the subject were not too lamentable, never would a more laughable instance have been afforded of the mountain in labour. After all these fine promises, Ministers came out with the bill for the continuance of the suspension of the constitution of the Canadas. This delay on the part of the country would not cost the country less than 1,000,000*l.*, probably 2,000,000*l.* or 3,000,000*l.*, which to the Chancellor of the Exchequer must be a very pleasing prospect in the present state of the finances. In the mean time, the unfortunate people of Canada were suffering in every possible way from distress, from the ruin of their trade, from the stop put to all emigration, and from the insecurity of person and property which now prevailed. Three months since, the entire people of Canada entertained the expectation that they would hourly receive the bill, which they thought, as a matter of course, would be introduced immediately after the appearance of Lord Durham's report. They would be most grievously disappointed when they found that they were to have nothing but a continuance of this miserable Coercion Act. By a recent number of the *Toronto Examiner*, he perceived that no fewer than 700 persons had within the brief space of ten days emigrated from one district of Canada, and crossed the frontier into the United States, to escape from the insecurity which was the consequence of our misgovernment. The great mischief of delay was admitted by all parties. Lord Durham adverted to it in his report; the right hon. Gentleman the Member for Coventry told them the same thing, and the right hon. Baronet the member for Tamworth concurred in the same opinion. Yet the Government, with an utter recklessness of the interests of the colonists, had postponed the settlement of this momentous question for another year. He had purposely refrained from urging the Government upon this subject having thought that it was really their intention to do their best to settle the question. He had received several letters from persons in Canada, which he had refrained from answering, because he had thought it wrong to raise hopes which might be disappointed, and did not wish in any way to embarrass the Government. He regretted now, extremely, that the had exercised this forbearance, which, he thought, amounted almost to a neglect of his duty to those unhappy Canadians. Even the little confidence which he had in the Government, and which had led him to trust them on this point, had been quite misplaced. There could be but one opinion with regard to the conduct of the Government, both in this country and in the colonies, namely, that they had grossly neglected their duty; and, if any mischief should arise during the course of the coming winter, upon their heads must the responsibility rest.

Mr. *O'Connell* said, that he was not one of those who thought that the Government could have done much more during the present Session with respect to Canada, unless they had restored, or proposed to restore, the constitution of Lower Canada, which, as he considered, would have been the wisest and best measure they could have pursued, as the preliminary to any scheme for uniting the two provinces. He had reason to express the deepest regret that the quarrel in Canada should have taken a religious turn, and that the people should be separated, not by political disputes alone, but that these were aggravated by religious dissensions which were fomented by the Executive Government. Now, he appealed to the right hon. Gentleman, the Under Secretary for the colonies, whether the officers in command, both in Lower and Upper Canada, more especially in the latter, had not testified in the strongest terms the spirit of generous loyalty, and the active support of Government, both in and out of the field, on the part of the Irish and Scotch Roman Catholics in Canada during the recent disturbances; and whether the Governor of Upper Canada had not represented this gratifying circumstance in the the strongest terms to the Government at home? Ought the reward of this loyalty and of these active services to be an increase in the number of Orange lodges? By a communication which he had recently received from Canada he learned that there were now in active operation in Canada no fewer than 254 Orange lodges, regularly officered for holding processions, and that insults were in the habit of being inflicted almost daily by the members of those bodies upon their Roman Catholic fellow subjects. The masters of those lodges were all persons holding office under the Government. They were cherished, therefore, he might fairly infer, by the Government of this colony, which must be looked upon as a party to the transaction; as abettors of this gross insult on the feelings of men who had rendered such substantial services to the Queen's Government, when it was assailed by so many of the disaffected; of men who were regularly regimented and brigaded, and discharging all the duties of actively loyal subjects. Was this their fitting reward—this unblushing encouragement of the Orange lodges? He entertained the strongest confidence that this very improper proceeding would be completely discountenanced by the Government at home. It was not sufficient to express their disapprobation of it in general terms in that House—it was absolutely incumbent upon them to take active steps effectually to prevent the recurrence of such scenes. He found the number of these lodges gazetted, he supposed officially—at all events inserted (apparently as a matter of boast) in several of the Canadian newspapers; and the statements of his correspondents were thus most completely corroborated. It was quite unnecessary for him to enlarge upon the pernicious effects which such a state of things must produce, tending, as it necessarily did, to put a complete stop to the progress of emigration to these colonies from Ireland. How, he would ask, were they to tempt Irish Catholics to emigrate to a country where they might be subjected to insults, to which they were no longer liable at home?

Mr. *Labouchere* agree with the hon. and learned Member, that nothing could be more lamentable than that the spirit of religious animosity should be suffered to unite itself to the numerous social evils which already existed in Canada. He had believed that it was almost wholly eradicatd in that province. He could assure the hon. and learned Member, that so far from any encouragement having been given to the Orange lodges, or to any exclusive association of any religious sect whatsoever in Canada—so far from any such encouragement having proceeded from the Government at home, nothing was more contrary to their wish. He had stated a few days since in the House, that from any communications which had reached the Colonial-office, there was no reason to believe that this subject for two years past had attracted the slightest attention in Canada; no communication had been received from the Governor on the subject; no petition complaining of it had emanated from any class of people. The inference to which this had led him was, that this system, if not already quite dead, was fast dying away, and that it would be better to let it die a natural death than institute anything in the shape of an inquisitorial proceeding. His attention had, however, been called in the course of that morning to a newspaper, where it was stated that these lodges had been multiplied to a great extent in Upper Canada; and, most assuredly, no time should be lost in requiring from the Governor of that province all the information that could be furnished on the subject. He must say, on behalf of Sir George Arthur, that he had abundant means of knowing his sentiments with regard to the principle of religious liberty; and he could state with confidence that no man could exist, whose principles and feelings could more completely discourage any sectarian association. When Sir George Arthur was in Van Dieman's Land he materially contributed to the establishment of a system (connected with this very subject of religious differences) which produced peace and quietness in that colony. Surely conduct like this was irreconcilable with the charge now brought against him. As to the conduct of the Irish Roman Catholics both in Upper and Lower Canada, he had the greatest satisfaction in stating that both from Sir George Arthur, and still more recently and strongly from Sir John Colborne, communications had been received at the Colonial-office, assuring the Government of the loyalty and active support of the numerous body of Roman Catholics in Canada, without any exception. They stated, that this body vied in loyalty and in the determination to uphold their connexion with the mother country, with all the other inhabitants. With respect to the remarks of the hon. Member for Hull, he could state, that Government was most anxious to promote a well-considered system of emigration, and would most readily concur with the local Governments in Canada for that purpose.

Mr. *Hume* said, that the home Government were chargeable with gross negligence on this subject of Orange lodges. After the address of the House to the late King, and his Majesty's answer, declaring his determination to put down Orange lodges altogether, he had repeatedly put it to the Government whether anything had been done to put an end to the system in Canada, and he had never got a satisfactory answer. The Address of the House, and his Majesty's Answer, had been sent out to Sir F. Head, it was true, but Sir F. Head distinctly stated, that he meant to take no steps in consequence, and he did take none. When that functionary thus set at defiance the will of the House and of the Crown, surely the Government had been guilty of gross negligence in taking no steps to enforce their orders. During the whole time of Sir F. Head's Government, every possible encouragement was openly given to Orange lodges by the Governor and all about him, and if the home Government longer permitted the system to endure, they would be as culpable as the local Government had been. No dispatch whatever had been sent out to Sir F. Head to censure him for his disobedience to the will of the Crown and the House. The numbers of Orangemen in Canada had been rapidly increasing. In June last there were not fewer than 20,230. The country had already lost 3,000,000*l.* in consequence of the mismanagement of Government, and it would have to spend much more if very different measures were not adopted. That Government had allowed the whole Session to pass away without bringing in a measure to put an end to the state of anarchy and discontent which existed in Canada, was in the highest degree culpable. He should give his decided opposition to the third reading of this bill. The powers granted under it would be only an addition to the evils which the Canadians already laboured under.

Sir *George Grey* said, the hon. Member for Kilkenny had stated, that with regard Orange lodges in Canada the Colonial Department had been entirely inactive; that no dispatch had been sent out on the subject to Sir F. Head. If this were a just charge, it would be a heavy one; but it so happened that the hon. Member on two occasions before had made the same charge, and that on both these occasions the despatch which had been sent out to Sir F. Head on the subject had been laid before the House and printed. The hon. Member, however, still persisted in making this charge, upon the strength, apparently, of his private communications with Canada, and on the statements of newspapers, on which he had learned to place but slight reliance. A despatch had been in fact addressed to Sir F. Head, stating, that Lord Glenelg was most strongly opposed to any difference in the policy pursued by the local Government of Upper Canada from that to which the Government in this country was distinctly pledged, and, that Lord Glenelg would use his most strenuous efforts to prevent any such difference. He was unable at the moment to mention the date of the despatch, but would take care to ascertain it, and to state it to the hon. Member for Kilkenny.

Mr. *Hume*, in explanation, said that the right hon. Gentleman might produce a dispatch sending out the order to Sir F. Head, but not a despatch condemnatory of the answer of Sir Francis Head to the House of Assembly.

Mr. *C. Buller* could not help stating, that he considered some of the charges made against the local Government of Upper Canada much exaggerated. As to whether the measures adopted to check the formation of Orange lodges were vigorous or not, it was a matter of opinion. But he could not help thinking, that the hon. and learned Member for Dublin must have been misinformed as to public officers in Upper Canada joining in such proceedings. The subject had been brought under Lord Durham's notice, by an address from the Roman Catholics of Toronto and its neighbourhood, complaining in strong terms of the outrages to their feelings of party processions on the 12th of July. And that processions had taken place, there was no doubt. But with regard to official persons taking part in them, he believed it was a mistake, for this reason—he knew that Colonel Buller, who was adjutant-general was at one period an Orangeman. It was made matter of complaint against him, and he withdrew from the society. He did not believe, that any other persons in office were connected with Orange lodges, except perhaps Colonels of the militia, and if in making a levy *en masse*, men were objected to on the ground of such connexions, he (Mr. C. Buller) was afraid it would diminish the numbers exceedingly. It had been also said, that

Colonel Kingsmill was charged with being an Orangeman. The charge was brought before Sir George Arthur, but the result of the inquiry was satisfactory, for Colonel Kingsmill totally denied having anything to do with those societies at all. He mentioned this to prove, that if there were any persons in office in Upper Canada who favoured the society, at all events they did not do so ostensibly. There was also a great difference between Orangeism in Canada and Orangeism in Ireland. Canadian Orangeism was certainly distinguished by the banners and symbols which were so offensive in Ireland; but it was connected with a great deal of profession of freedom of opinion and religious toleration. For instance, it was common at public dinners for the Orangemen to make speeches professing great toleration and frriendship towards Roman Catholics, and one of their regular toasts was the health of the Roman Catholic bishops. He believed, that Orangeism was kept up in Canada by gentlemen who had belonged to the society in Ireland, and who wished to keep up an undue political influence. He did not feel himself called on to defend Lord Durham from the charges of the hon. Member for Westminster, that the noble Lord had not adopted the precise measures which his hon. Friend wished Lord Durham to have pursued. The question must soon come before the House of Lords, when his noble Friend would have an opportunity of speaking upon his own conduct. He wished, before sitting down, to say a few words upon the subject of the report on Crown lands, to remove from himself some undeserved eulogium which he had received, on the supposition that he was concerned in drawing it up. He had nothing to do with it, except signing his name. The merit of this very valuable report was due to Mr. Hanson and Mr. Wakefield.

Sir *George Grey* begged to inform the hon. Member for Kilkenny, that the despatch to which he had referred was dated August 24, 1836.

Mr. *Langdale* said, that he had received very strong representations with respect to the system of Orange societies in Canada, from quarters on which he could place implicit reliance. A letter had been written to a friend of his by a lady residing at Richmond in Upper Canada, in which it was stated, that Orange processions had taken place in that town, the parties shouting "Death to the Pope!" as they went along. The letter also stated, that a petition was drawn up for presentation to Lord Durham, complaining of the countenance given by magistrates to those processions.

The House divided:—Ayes 110; Noes 10:—Majority 100.

List of the AYES.

Aglionby, H. A.
Baines, E.
Barnard, E. G.
Bernal, R.
Bowes, J.
Brotherton, J.
Bryan, G.
Buck, L. W.
Buller, C.
Campbell, Sir J.
Chetwynd, Major
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clive, E. B.
Dalmeny, Lord
Denison, W. J.
D'Eyncourt, rt. h. C.T.
Donkin, Sir R. S.
Dunbar, G.
Duncombe, T.
Dundas, F.
Dundas, Sir R.
Eaton, R. J.
Eliot, Lord
Euston, Earl of
Evans, G.
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Grant, F. W.
Grey, right hon. Sir C.
Grey, right hon. Sir G.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Henniker, Lord
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hope, hon. C.
Hoskins, K.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hutton, R.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lennox, Lord A.
Mackinnon, W. A.
Martin, J.
Mildmay, P. St. J.
Monypenny, T. G.
Morris, D.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Ferrall, R. M.
Packe, C. W.
Palmer R.
Parker, J.
Parker, R. T.
Power, J.
Praed, W. T.
Price, Sir R.
Pryme, G.
Rice, E. R.
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Scholefield, J.
Seymour Lord
Sheppard, T.
Smith, R. V.
Stanley, hon. E. J.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Thomson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Walker, R.
Wall, C. B.
Ward, H. G.
Wodehouse, E.
Wood, Colonel
Wood, Captain
Yates, J. A.
Young, J.

TELLERS.
Wood, C.
Steuart, R.

List of the Noes.

D'Israeli, B.	Teignmouth, Lord
Dugdale, W. S.	Vigors, N. A.
Fielden, J.	Williams, W.
Irton, S.	
Kemble, H.	TELLERS.
Perceval, hon. G. J.	Hume, J.
Plumptre, J. P.	Leader, J. T.

Bill read a third time, and passed.

Summary Jurisdiction.] Lord *J. Russell* moved the order of the day for a Committee on the Summary Jurisdiction Bill.

Lord *G. Somerset* hoped the noble Lord would not proceed with this bill at so late a period of the Session. This bill introduced totally new provisions respecting matters of rural police; respecting the trial of offences at Petty Sessions; the imprisonment of offenders; it changed the whole jurisdiction of the magistracy from beginning to end; and it ought not to be forced forward at that time. The clauses of the bill were very complex in their nature, and were open to numerous objections, the discussion of which would occupy many hours.

Sir *E. Knatchbull* wished to ask whether the noble Lord were determined, in such a House as he had the honour to address, and at that period of the Session, to proceed with this bill? He was sure that the noble Lord did not underrate the importance of this bill. At the present moment a large number of those Members who were in the Commission of the Peace were unavoidably absent. No doubt many of those Members would have felt it their duty to express their opinions with respect to this measure, and whatever might be the merits of the general principle of the measure every clause of it ought to be, and must be, subject to great discussion. He would not say that some good might not come from such a measure as the present; but he must tell Gentlemen opposite that if they thought themselves justified in pressing forward this measure, that opinion was exclusively their own; but he did hope that the further consideration of this bill would be postponed.

Lord *J. Russell* said, that this bill, which had been described by the noble Lord opposite as totally new, contained thirty or forty clauses that were taken from a bill which was passed by the right hon. Member for Tamworth, in the year 1829. It certainly contained several other clauses of a very important nature, but with respect to the other clauses it could not be said that, having been brought in in the year 1829, having been amended ten years ago by the right hon. Baronet, the Member for Tamworth, they related to a subject which had never been brought under the consideration of the House. It appeared to the right hon. Baronet the Member for Tamworth, when he held the office which he now held, that this was a subject upon which some amendment of the law ought to take place. But it was said, why not introduce the bill at an early period of the Session? That remark might be made on any bill on any subject that was introduced; and the real question was, whether there was to be any limited time for the consideration of all those bills which it was expedient that the House should consider in the course of a Session. It frequently happened that he was very anxious to press forward bills, and to bring them under the consideration of the House at an early period of the Session. But what was the remark constantly made on the other side? it was that April or May had elapsed, and that a great many of the supplies for the army, navy, and ordnance had not been brought forward, in pursuance of the pledge that had been given, that they should be brought forward previous to the 5th of April. Well, the Government had taken another course in the present Session; they brought forward the question of the supplies at an early period, and they took a very considerable time in discussion, of which he did not complain. The navy estimates took three or four whole nights of discussion, amounting, as the Government had then but two days in the week, to a fortnight. If the practice were to be pursued, some bills must be kept back. If objection were made to bills of importance being brought on for consideration in July, and Members chose to keep away, and that was to be considered a reason for putting off bills, namely, that Members chose to be absent, he must say, that he did not think that they could proceed in a satisfactory manner with the legislation of the country. They had lengthened debates on the supplies and on motions in the early part of the Session, and it would be impossible, unless they proceeded, now to make laws which all agreed were required. This was not a question of party division or discussion, and he therefore hoped, that there would be no vexatious opposition offered to the bill, and certainly there was no wish on his part to insist upon any clause to which any reasonable objection could be made. He, therefore, hoped, that the House would proceed to consider this bill, and not treat it as a bill altogether contemptible, seeing the authority in its favour which he had mentioned.

Colonel *Wood* said, that there was one expression made use of by the noble Lord which had just sat down, which he thought was not justified. The noble Lord spoke of Gentlemen choosing to keep away. Now, considering that the House had been sitting since February, he did not think that Members ought to be reproached for non-attendance at this period. The noble Lord might succeed in forcing this bill through the House, but at that late period of the Session, it was utterly impossible that the bill could pass the other House of Parliament.

Sir *T. Fremantle* said, that this bill could not be discussed with advantage at that period of the Session, and he, therefore, must add his entreaties to those that had been already made, that this bill might not be proceeded with. It was generally supposed in the country, that the bill had been abandoned for the present Session, or at least that there was very little prospect of its passing into a law.

Sir *E. Wilmot* hoped, and requested that the noble Lord would persevere with this bill, and for this reason; if the bill had been brought in and discussed for the first time, he should agree with many of those on that side of the House, that at this period of the Session, and in such a House, the noble Lord would not be justified in bringing this bill forward. But he found, that ten years since, the noble Lord himself was Chairman of a Committee which sat to investigate this subject, and a report was drawn up, recommending some measure of this sort. Another Committee subsequently sat, of which the right hon. Baronet, the Member for Tamworth, was Chairman; and again a report was drawn up, recommending a summary jurisdiction bill of this sort. When he had the honour of being sent to that House in 1832, he also brought in a bill on this subject, and again last year he brought in a bill to the same effect, which underwent considerable discussion. To say, therefore, that this was a new measure, or that it had not been well considered and well known, was a mistake. The subject was perfectly well known, and he hoped the bill would be proceeded with.

Mr. *Darby* reminded the House, that this measure embraced much more than the bill which had been introduced ten years ago, and should not, therefore, be assented to on the ground, that Parliament was familiar with its provisions. He regretted that the noble Lord had determined to persevere with this measure.

Mr. *Liddell* thought, that some remedy was required for the evil which this bill proposed to remedy; but he thought it improper to go on with it at the present period of the Session, particularly when the fact of its being postponed for so long a time led the people in the country to believe that it was abandoned altogether.

Lord *J. Russell* remarked, that with regard to the latter part of the hon. Member's observation, he always found, that when a bill concerning country matters was introduced, the cry was, "Don't proceed with it until the quarter sessions meet and the justices have time to consider its provisions;" and if it happened to be postponed to a late period of the Session, it was then exclaimed, "The magistrates have no time to consider the measure." If he were to consent to postpone this bill to next Session, the probability was, that the estimates bills relating to Canada, to ecclesiastical revenues, and Church leases, would, as in the present Session, require the immediate consideration of the House, and that he should be compelled to put this measure off until as late a period as that at which it was introduced this Session. He could not, therefore, undertake to bring in the bill next year.

Mr. *Estcourt* would not offer any objection to the bill going into Committee, as far as he was concerned; but he took it for granted, that the noble Lord, in a matter of so much general importance, if he found, during the progress of the measure, that the House was not well attended, would not persevere without information from all parts of the country in carrying a measure of such an extensive nature.

Mr. *Turner* said, he had found from experience, that most business was done with the fewest number of hands. He hoped the noble Lord would do what the present Government professed to do—bring justice home to every man's door.

House in Committee, and the clauses to the 24th were agreed to. The Committee to sit again.

HOUSE OF LORDS,

Friday, July 19, 1839.

MINUTES.] Bills. The Royal Assent was given to the following Bills:—Glass Duties; Paper Duties; Brick Duties; Jamaica; Spiritual Services in Parishes; Rules of Proceedings; Protection against Bankruptcy; Borough Watch Rates; and a great number of Private Bills.—Read a first time:—Militia Officers Exemption Removal. —Read a second time:—Pleadings in Courts (India); Election Petitions Trial; London City Police.—Read a third time:—Turnpike Acts Continuance; Bills of Exchange.

Petitions presented. By the Earl of Roden, from several places, against the Irish Municipal Reform Bill.—By the Marquess of Londonderry, from the Presbyterian Synod of Ulster, against causing Presbyterian Soldiers to attend Catholic places of Worship.—By the Marquess of Lansdowne, from a place in Somersetshire, for a Uniform Penny Postage.

PROCESSIONS OF JULY (IRELAND).] The Marquess of *Downshire* in presenting a petition took the opportunity of expressing his gratification at the information he had received, that in consequence of the wish which had been so properly expressed by his noble Friend the Lord-lieutenant, the ancient custom of processions in the north of Ireland on the 12th of July had been abandoned. He had received accounts from many parts that the wish expressed by the noble Lord at the head of the Irish Government that there should be no longer processions or exhibitions of feeling on the anniversary of the battle of the Boyne, had been met in a becoming spirit on the part of the people, and that the day had passed off in perfect harmony. He was particularly gratified also to learn that it had not been thought necessary to order any troops to be marched into that part of Ireland, which he regretted very much was the course adopted last year on the 12th of July. The result of that confidence in the good sense and right feeling of that portion of the Irish people had proved to the Government that the Protestants of that part of the United Kingdom were fit to be trusted, and might be confided in to promote the public peace and preserve the connection between the two countries. He could not help also contratulating the House and the country, in proof of the tranquillity that existed that in the county Down, at the Summer Assizes this year, there were only twenty-seven prisoners for trial.

The Marquess of *Normanby* cordially partook in the gratification expressed by the noble Marquess in reference to the facts he had stated, but he thought it but justice to the Lord's Justices, who were administering the Government in his absence last year, to state that it was their intention then to have adopted the same course that had been taken on this occasion, but for certain indiscreet proceedings which took place on the 1st of July, and which induced them to change their course.

Petition laid on the table.

COMMITTEE ON CRIME, (IRELAND).]—Lord *Wharncliffe* said, that he now rose to present to their Lordships a report from the committee which their Lordships had appointed at the commencement of the Session, for the purpose of inquiring into the state of crime in Ireland. The last time that he had had the honour of addressing their Lordships on this subject, he had stated that it was the intention of the committee to submit to their Lordships, together with the evidence which had been taken, a summary of that evidence, for the assistance of their Lordships; and the committee had begun to draw up that summary, but they soon found that, not to omit parts that were thought material, their summary would be nearly as long as the evidence itself. It had been, therefore, thought better only to lay upon the table of the House the evidence itself. The brief report of the committee, he would now move be read. Report read to the following effect:

"The Committee have examined a considerable number of witnesses, and they think it desirable that the evidence given by those witnesses should be laid before the House unaccompanied by any comment or opinion on the part of the Committee. The lengthened examination of witnesses and the late period of the Session have precluded the possibility of investigating some branches of the subject of very great importance for the purpose of elucidating the real state of Ireland in respect of crime. The Committee, in making this report upon that portion of the evidence now before them, beg most respectfully to recommend the whole to the serious attention of the House. It may be for the consideration of the House whether or not the Committee shall resume its labours in the next Session of Parliament. The Committee beg also to lay before the House an appendix and index to the said evidence."

Lord *Brougham* deemed it to be his duty, having attended that committee and taken an active part in its proceedings, to bring before their Lordships on a future day, a proposition founded on one part of their report. The evidence was alone before the House, though great progress had been made in a report to have been submitted to the House; but it was due to his noble Friend (Lord Wharncliffe), whose labours in that committee—whose industry and attention, as well as his acuteness, were above all praise, and whose impartiality in the chair of that committee stood unimpeached from any quarter—notwithstanding the peculiarly difficult and delicate circumstances in which he undertook that duty—his noble Friend's conduct had been appreciated by every one; and it was due to him to say that upon him had devolved in a great measure the preparation of the greater part of that report which at one time the committee had resolved to make, not for the purpose of reporting an opinion, but for the purpose of laying before the House such an abstract of the evidence as would better enable the House to apply its mind to the various subjects which were referred to; and when he stated to the House that there were about seventeen or eighteen thousand questions, and about fourteen hundred printed folio pages, their Lordships would see at once the reason why the committee were desirous of affording the House that assistance; but when his noble Friend had produced his abstract, which was prepared with great succinctness and ability, and when his noble Friend near him had produced his, also compiled with great succinctness and ability, and when he (Lord Brougham) and other noble Lords had produced theirs, also prepared with great succinctness, in was found in the first place, that notwithstanding all their attempts at compression, the abstract would be very voluminous; and next, that the length of time which they would require for a full and fair discussion, even of an abstract of the evidence, would render it impossible for them to present their report to the House before the last day or two of the Session. It was, therefore, determined simply to lay all the evidence before the House. He had now to add, that though his proposition would be confined to that branch only of the evidence which related to the administration of justice, the most important of all subjects, it must not be supposed that there were not other matters contained in that evidence well worthy of the serious attention of the House. It was his intention by Monday or Tuesday next to put into the hands of Members a printed reference of all those pages in the report to which he meant to direct their Lordships' attention, because the evidence on that one branch of the subject was scattered and diffused over the whole mass of evidence; and having done that he proposed to bring forward his proposition on Tuesday week, the 30th of this month, unless in the meantime his noble and learned Friend opposite, who had attended the committee with great diligence and usefulness to the committee—should take the subject out of his hands.

Lord *Lyndhurst* very likely might take a part in the discussion upon that occasion, but felt no disposition to take the matter out of the hands of his noble and learned Friend.

Lord *Hatherton* having taken an active part in the proceedings of that committee was bound to say a few words in corroboration of the praise which had been bestowed upon the noble Lord opposite for the extreme attention and diligence as well as for the great ability and entire impartiality which he had displayed as the chairman of the committee, but he felt that he must go further—he must say that the noble Earl who had moved the appointment of that committee, though there was no Member of that House who dissented more from the appointment of a committee to investigate the proceedings of one department of the Government than he did—still he was bound in justice to say, that the noble Earl who had moved the appointment of that committee had displayed a courtesy a kindness—a spirit of justice and fairness, which entitled him to the highest praise. He was not afraid of saying too much on that subject, because he had heard the same opinion frequently expressed by all the members of the committee; and he believed that the witnesses had gone away with the impression that those who had examined them the most fairly was the noble Lord who was in the chair and the noble Earl w o had moved the appointment of the committee. With regard to the notice of a motion which had been given by his noble and learned Friend, he hoped he would reconsider the matter before he pressed the subject on the attention of the House in the present Session. It had been ascertained that these 1,400 pages could not be printed and placed in the hands of Members till Monday week, the 29th, he believed. How was it possible, then, that their Lordships could be prepared for the disscussion on the day named? A week or ten days, at least, must elapse after the report had been in the hands of Members before they could have made themselves sufficiently acquainted with its contents. Still more ought that time to be allowed as it was the question which of all others, perhaps, had been most extensively investigated, and one which required the greatest care and caution in deliberating upon it. No advantage could, but great mischief might, result from pushing the subject forward hastly, and without due consideration.

The Marquess of *Normanby* could not too early state his great anxiety that it should not be supposed that there was any intention on his part to interfere with the full discussion of this matter; on the contrary, he was anxious as early as possible to give the best explanation that he could of any acts of his which might be called in question—but at the same time he begged to remind their Lordships that the whole of this evidence was entirely new to him, and that it was impossible for him to give his undivided attention to the subject even between the time when the report might be printed and the day when the discussion came on; and in discussing that subject he should not wish to direct his sole attention to those pages which would be more particularly pointed out by the noble and learned Lord, because he should naturally desire in many cases to refresh his memory as to the circumstances by something which might possibly appear in other parts of the evidence.

Lord *Brougham:* Of course, if the evidence could not be in the hands of Members till Monday week, he could not for a moment think of bringing on his motion on the day which he had named; but he had seen that evidence, with the exception of fifteen or sixteen pages at the outside in print, for the last fortnight or three weeks. What difficulty, then, could there be in striking off the requisite number of copies in the course of the next two or three days? He trusted there would be time to bring on his motion, because, when the Committee reported 1,400 folio pages they threw the House at once into a labyrinth and maze whilst those who had been on the Committee knew where to look for the things that were wanted. He had considered this matter with a view to what was fair to the noble Marquess, and he asked, was it not manifestly for his benefit that the discussion should be brought on at once; for if it went over the long vacation charges might perhaps during that time be got out of this evidence, and used against him, without the possibility of his affording explanation if there was a misunderstanding, or defending himself if any charges were made? However, he begged to say, that he had no criminal charges to bring against the noble Marquess, and he would tell the noble Marquess and the House in perfect candour, that in all probability his resolution would be prospective, and not recriminatory of any individual whatever. He had looked minutely into the evidence, and he would venture to say that not more than sixty or seventy pages at the very outside, and more likely only forty or fifty, need be read by any Member of that House previously to the discussion of his motion. He thought, however, that he had perhaps named rather too early a day, and he therefore begged to postpone it from Tuesday week to Monday fortnight.

The Earl of *Roden* said, that what had fallen from the noble Lord opposite called for some observations from him. It was peculiarly gratifying to him to hear the remarks of that noble Lord on the course which he had felt it his duty to pursue in the Committee. When, at the beginning of the present session, he had felt it his duty to bring the state of Ireland under their Lordships' consideration, and to move for a Committee on the state of crime in that country, he had then said that he had no political objects in view—that he was actuated by no party feeling, and that his only desire was to bring before their Lordships the real state of that part of the kingdom in which he resided—and he was now truly happy to hear the noble Baron bear testimony to the fairness with which he had continued to pursue that object. He could not help saying, that the conduct of the noble Baron himself in that committee, and of those who were united in feeling with him, was such as to give him the greatest satisfaction, and to make him lament that he had not been better acquainted with those noble Lords at an earlier period of his life. Their Lordships would be greatly indebted to the noble and learned Lord if he proceeded with his motion, not with the view of criminating the noble Marquess, but of drawing the attention of the House and the country to the subject; for without some such aid it would be impossible for them to wade through that mass of evidence, and to come at the real state of things. As to what the noble Marquess had said, that this evidence was new to him, he could only say that it had been carried without the slightest opposition in the Committee, that the noble Marquess should be furnished with the evidence as it was given from day to day; but whether it had been so furnished or not he could not say. He now waited until the motion of the noble and learned Lord should afford him an opportunity of entering more fully on the subject.

Lord *Wharncliffe* hoped, that the printing of the report would be accelerated. He understood that his noble and learned Friend meant to draw attention to one branch only of the inquiry, but he begged to say, that there were many other matters of great importance which must be brought under the notice of the House.

The Earl of *Radnor* said, that it was impossible that noble Lords could be prepared to discuss this matter in so short a time. They had heard a great deal of the impartiality in the Committee, and he hoped that a little of it would be exhibited in the House. How was it possible that noble Lords could wade through those 1,400 folio pages, and come to a decision on a subject of that importance all at once? It was all very well for his noble and learned Friend, entertaining his view of the subject, and it seemed very probable, that he had formed a strong opinion on one side to point out particular passages which might bear out his views, but that was by no means satisfactory. Their Lordships were not bound to pin their faith upon the impressions which the noble and learned Lord had received, and they ought to look into the whole of the evidence themselves before they came to a decision.

Lord *Brougham* had given a notice; he had a right to keep that notice, and no man had a right to alter his decision; and they had had that unparalleled debate upon his giving a notice—a debate which in another House, where there was still some little regard to order, would not have been allowed for a moment. However, his noble Friend having addressed him, he was now about to pronounce judgment upon his application. Most courts, when they were addressed by suitors, for in that situation had the noble Lord placed himself with regard to him, paid particular attention to two things—the first was, that the topics urged should be inoffensive to the court; and the second, that the arguments should be sound. Now, the topics were most offensive to the court in this case, they were calculated to make the court indignant, and at once refuse the application; and were calculated to prevent the court even from taking the arguments into its consideration. When his noble Friend said in so many words, that they had heard a great deal of the impartiality in the Committee, and he hoped they should see some of it in the House, the noble Earl had followed it up with a commentary which left it beyond all doubt, that it was meant to apply personally to him; for his noble Friend had said, that it was quite clear, that he had a very strong opinion on one side, and it was equally clear that the noble Earl meant to say, that in discharging his duty he was likely to be so biassed as to look only to the evidence on one side; and that charge he had made with regard to a matter involving the character of the Irish Government—nay, perhaps the character of an individual Lord-lieutenant. Whose fault was it that the noble Earl knew nothing of the evidence? Whose fault was it, that the noble Earl did not know whether he had behaved with impartiality in that committee? Was not the noble Earl named on the committee? Certainly he was; but then he got up and said, "far be it from me to attend that committee," or something of the sort. What right, then, had his noble Friend to complain that he knew nothing about it? The noble Earl had heard the most ample testimony borne by the noble Lord (Hatherton), and by the noble Lords who took the same view of the subject. If the noble Earl said that he did not know this, why did he not attend the committee on the subject? If the noble Earl said that he had been partial, he might refer him to the noble Lords who attended the committee, and he would learn from them, whether his conduct had been marked by any bias or partiality. He would venture to say, that the most severe cross-examination administered to a witness in the committee, had been administered by him to a witness called to impeach the conduct of the noble Marquess (Normanby), and who appeared to conceal the truth. He subjected other witnesses to an equally rigorous cross-examination, and he would appeal to the noble Lords to say, if truth could have been elicited, if the cross-examination had not been rigorous. His assertion was, that his noble Friend's argument in favour of a further postponement, was utterly and absolutely without foundation. To prove that he had been influenced by no partiality, he would refer to Lieut. Drummond. That Gentleman, in his evidence, gave every explanation that it was possible to require, and he was allowed to do this, after having read, and after having had time given him to examine the evidence of all the other witnesses. That was a degre of impartiality which deserved the eulogium of the noble Lord behind him. Lieut. Drummond left town, grateful to the committee, and with the most ample and sincere—he hoped, because he knew the honesty of the man—sincere expression of gratitude for the manner in which he had examined him; for whenever he got into a difficulty, it was owing to his interposition that Lieut. Drummond did not depart from London with certain things unexplained, leaving the Government short of their defence in some most important subjects. He should therefore pass over, as utterly groundless, all insinuations of partiality; but if the noble Earl should entertain any notion of that kind, he could only refer him to Lieut. Drummond. If the noble Earl wished to goad him to be his accuser, he would fail in that, as much as in inducing him to postpone his notice. He therefore pronounced judgment against the noble Earl, and his notice stood for Monday fortnight.

The Earl of *Radnor* had only submitted whether it was possible for their Lordships to wade through this mass of evidence, which the noble and learned Lord himself said was a labyrinth, in the time mentioned? He had declined attending the committee in consequence of being obliged to leave town.

Earl *Fitzwilliam* hoped these altercations between the noble and learned Lord and the noble Earl would not destroy the effect of the previous tone of the conversation, which would have a beneficial effect in Ireland. The noble and learned Lord supposed that every Member of the House was as capable as himself of taking a correct view of the evidence, and he came to the conclusion, that the late period of the session at which they had arrived, afforded ample time to go into that evidence. In that he thought the noble and learned Lord was mistaken. What he wished to know was, whether the noble and learned Lord intended to submit a motion on the one part of the evidence which he had mentioned, and to throw overboard the remainder of the evidence, so that they would never hear anything about it, or whether he intended to make a motion on one part of the evidence, and to reserve the remainder for discussion in the ensuing Session of Parliament?

Lord *Brougham* meant, as he had said, to call the attention of the House to that portion of the evidence, which related to the administration of justice in Ireland; and, as to the operation adverted to by the noble Earl, of throwing overboard the remainder, it must be obvious that he could not throw it overboard. He never meant, however, in this Session, or in any other Session, to make any motion on any other part of the evidence.

The Marquess of *Normanby* did not think, that he was misunderstood by the noble and learned Lord, or by their Lordships, nor understood to be desirous of either declining or wishing that this discussion should be deferred. He only wished, that it should be full and fair. If he had not read any portion of the evidence he would not say, that it arose from any desire to postpone the discussion, but from the press of business in the office over which he had the control. He could assure the House, that he was not desirous to have one day more than might be necessary for the convenience of any one of their Lordships who might not have attended the committee.

Lord *Ellenborough* said, if the noble Lord intended to go into other topics, he must say, that he did not think the House would be competent to go into a subject of so comprehensive a nature. If the noble Lord would make a substantive proposition to the House it would be more convenient if the discussion were limited to the matter mentioned by the noble and learned Lord—the practice of the administration of justice in Ireland.

Lord *Brougham* intended to confine his observations to that subject exclusively.

Lord *Wharncliffe* said, that he wished the House would not conceive, that the one topic mentioned by the noble and learned Lord was the only one which he thought deserving of being brought before the House. He hoped the House would understand him that, though his noble and learned Friend brought the subject before the House, he should take some other opportunity of bringing the other parts of the subject before their Lordships.

Lord *Stuart of Decies* said, that the noble and learned Lord had disclaimed any intention of taking a recriminating course. That was not the intention of the noble Lords opposite. He had had conversations with the members of the party to which those noble Lords were attached, and they admitted, that the administration of justice was the weak point. That was the furnace for heating red-hot balls to fire against her Majesty's Government. He thought they should look at the conduct of the Government as a whole, and he thought, that the noble Lord, the chairman of the committee, would best show his impartiality on the present occasion by pledging himself to bring the whole question forward on the same night as that for which the noble and learned Lord had given his notice.

Report to be printed.

HOUSE OF COMMONS,

Friday, July 19, 1839.

MINUTES.] Bills. Read a first time:—Militia Ballots Suspension.—Read a second time:—Constabulary Force (Ireland); Fines and Penalties (Ireland); Judges Lodgings; Grand Jury Cess (Ireland); Turnpike Tolls.—Read a third time:—Assessed Taxes Composition.

Petitions presented. By Mr. Hutt, from Hull, and by Lord Sandon from Liverpool, against the Inland Warehousing Bill.

SMALL DEBTS BILLS—COUNTY COURTS.] Mr. *Gisborne* brought up the report on the Warrington Small Debts Bill, and moved some amendments.

Mr. *Hume,* as he observed the noble Lord the Secretary of State for the Home Department in his place, wished to ask what were the intentions of Government, in regard to the general bill. Every one who had had an opportunity of witnessing the benefits which the people of Scotland had derived from their system of county courts, must be desirous to see the advantages resulting from that system enjoyed by the people of England. The only way to obtain a general bill, in his opinion, was to refuse their assent to these separate bills. Early in the Session they had been put off from time to time on the assurance, that it was the intention of the Government to go on with the general bill. In justice to the country the Government ought to be urged to proceed with the general bill this Session. He, therefore, wished to know what were the intentions of Government, and hoped, that the proper information would be afforded to the House.

Mr. *Brotherton* hoped, that whatever might be the fate of the general measure, the House would now allow these bills to be proceeded with.

Mr. *Hume* must persist in his objections, and take the sense of the House on the amendment.

The House divided:—Ayes 79; Noes 9: Majority in favour of the amendments 70.

Lord *John Russell,* in answer to Mr. Hume, said he thought he should have been able to proceed with the County Courts Bill, but he must say, that he entertained considerable doubts, that he should not be supported by the House with sufficient energy to enable him to do so, although he certainly wished to proceed with it this Session.

Mr. *Warburton:* The longer the noble Lord delayed the general bill, the greater the opposition which it would encounter. There was nothing like trying. If the noble Lord did not try, how could they know whether the Opposition would prevent the measure from being passed this Session or not. "Fortune favoured the brave."

Mr. *Harvey* thought there was something very inconsistent in the course which the House was pursuing in regard to these bills, whose chief recommendations to their support seemed to be, that the promoters of them had incurred a very considerable expense, and that bad legislation should therefore be sanctioned. Why were those bills postponed? Because the consideration of the whole matter was referred to a select committee. That committee, which consisted of Gentlemen of all parties without regard to party feeling, sat a great many days, and came, after mature investigation, to an unanimous determination, with one exception. That exception related to one point—the patronage of appointing judges. The question on which the committee differed in that respect was, whether the patronage should be given to the Lord Chancellor, or to the magistrates of counties. The cause of that difference, and of the opposition which the minority of the committee encountered, originated in a doctrine, that there was a sort of hereditary right in some great families to dabble in the administration of public justice, and to set up a species of pecuniary standard which they raised in that respect. But, apart from that point, the committee were unanimous in the recognition of the great general principles of cheap justice to the people. He could not see on what grounds the noble Lord could suppose, that a general bill would encounter greater opposition in that House or elsewhere than a mass of these little bills. Why, then, should they hesitate to proceed with a general bill of a nature of this kind, which excited such interest throughout the country? Why should they allow it to be arrested in the way proposed, and permit the statute-book to be encumbered with a number of little measures tending to produce a great deal of public mischief? He trusted that his hon. Friend, as these bills proceeded, would not fail to reiterate his opposition to them.

Bill to be engrossed.

INLAND WAREHOUSING]. The order of the day for going into committee on the Inland Warehousing Bill having been read,

Mr. *P. Thomson,* on rising to propose that the House resolve itself into a Committee, said that the principle on which the bill was framed was very simple. At present the Treasury had power, upon the recommendation of the commissioners of customs, to constitute any port a port for warehousing goods. That power was confined by law to towns which were ports. But it was often difficult to determine what was a port, and what was not. A place having a river running up to it, which could scarcely be called navigable, might make application, and the authorities would have great difficulty in determining upon the legality of its claim. Frequent instances of this kind had occurred. The object of the present bill was to extend to the Treasury the same power with respect to towns which it at present exercised with respect to ports. Thus the difficulties of which he had spoken would be removed, and considerable advantage would also be gained by the extension of the bonding system to inland towns. He felt sure that he need not press on the House the advantages of the bonding system to the trade of this country. They were so obvious, and had been so amply proved by experience, that the only question, probably which he would have to argue was this—that by extending the system to inland towns the revenue would suffer no damage whatever. He believed that the revenue would suffer no injury from the change. Every security for the revenue which existed in the case of ports would be continued in towns under the bill. The same security would be continued which existed with respect to goods carried coastwise and goods carried from one warehouse to another—namely, a bond taken in double the amount of the duty to which the goods were liable. He would mention to the House one of the anomalies that existed in the present state of the law. If a man wished to convey goods from the port of Leith to Liverpool, he had under the present law full power to do so, in any way be pleased, by land, sea, or canal, and the revenue suffered no injury whatever in consequence of the bond. That system was found to work well. But if the same party wished to convey his goods from Leith to Birmingham or Leeds, he was deprived of the advantage, in consequence of those towns not being bonding places. He (Mr. P. Thomson) was at a loss to conceive what argument could be urged—when the Government, from the experience of the present system, were satisfied that no injury could arise to the revenue—against the introduction to inland towns of the same system. Looking abroad, they would find that other countries had adopted it long ago. France had adopted it to the fullest extent; Germany had also adopted it to the fullest extent. England alone had not yet adopted the system of permitting inland towns, as well as towns on the coasts, to enjoy the advantages of bonding. He might be told that the ports were opposed to the measure, and that if it were carried their exclusive advantages would be somewhat diminished. He hoped, however, that in that House such a motive would not be allowed to prevail. It was the duty of that House not to protect the interest of one class against the interest another. He knew of no vested interest which the inhabitants of the ports could pretend to set up as a reason for depriving their fellow-subjects of advantages to which they were justly entitled. But with a view to the security of the revenue, and also to the avoidance of expense, he felt it his duty in offering these privileges to inland towns to give them with considerable restrictions. He did not mean to propose that parties transferring their goods from a port to an inland town should have the opportunity of bonding them in those towns, subject to all the allowances which are made in the best kind of warehouses at ports. But he proposed that the weights and measures taken at the ports, and the duties paid according to those weights and measures, should remain fixed when the goods were taken out of bond in the inland towns. The bond provided against any insecurity to the revenue, and there would be little or no increase of expense in the Customs' department, because the letter passing out the goods would be so simple as to require the presence of only one or two officers. If the appointment of those officers caused a slight increase of expense it was expense which was justified and called for, and one which the House had no right to refuse, if it was necessary to give fair and proper facilities to the trade of the country. He must here observe that he understood that the going into committee on this bill had been made a matter of considerable canvass.

He knew that one had been going on in the place which he had the honour of representing. Perhaps he differed a little with his constituents upon it, for he believed —he said it openly—that they would hardly receive any particular advantage from the bill. The proximity of Manchester to Liverpool, and the facilities which existed for the transmission of goods between the two places, would prevent Manchester from deriving any great benefit from the change which he proposed. But with respect to the more inland towns — Birmingham, Sheffield, Leeds, Halifax, and others — the advantage would be very great indeed. He hoped that the bill would be discussed on its merits; he trusted that it would not be opposed on the ground of any supposed injury to exclusive interests; or that any such motives would be allowed to prevail with the House. The right hon. Gentleman then moved that the House should resolve itself into a committee on the bill.

Viscount *Sandon* said, the view which he wished to express upon this subject would be more properly conveyed by a motion for a select committee (if the present period of the session did not preclude him from taking such a course) than by the motion with which it was his intention to conclude. Before they proceeded to admit the principle of this measure, they would do well to consider what the consequence would be of disturbing the value of the immense amount of property invested in warehouses upon the faith of a long system of legislation. He did not profess to have a knowledge of other ports than the one which he had the honour to represent, but of that he believed it no exaggeration to say, that the amount of property invested in warehouses was 4,000,000*l.*, a good and sufficient ground, in his estimation, to induce the House to pause and consider well whether those great advantages which the right hon. Gentleman anticipated were likely to be derived from this bill. His right hon. Friend had asked why the inland towns of England should not enjoy the advantages of bonding warehouses as well as those of other countries? His answer was, that in foreign countries there was a security for the transfer of goods which England did not, and would not, he was certain, wish to possess. The system of passports, the fortified towns, and the examination at the gate, which he believed this country would never submit to, gave to foreign countries a security which England had not. Besides, the amount of duty in foreign countries was not as high as we were obliged, for the sake of the revenue, to impose; they had not, like us, an amount of duty in proportion to the value of the article. Take, for example, the article of tobacco, the duty upon which in this country offered so great an inducement to fraud. Neither was the strong presumption of security to the revenue provided for in the passing of goods to inland towns, and he would tell the House why. The right hon. Gentleman's reliance was upon the bond. Now, if the right hon. Gentleman meant to rely solely on that, if he knew anything of mercantile transactions, he must be aware that the bond was no security whatever — that it was admitted constantly in the way of business without any investigation. That was notoriously the fact. Besides, it would be quite impossible to transact business in this country, if there was not some looseness in their mode of proceeding. If the Custom House were to inquire, in each case, whether the person giving the bond had his property otherwise encumbered, business would meet with such an obstruction as to prevent its being carried on. If the bond was regarded as a security, why did they interpose the Queen's lock, and other means of guarding against fraud. Another ground of objection to the bill was, that it was highly undesirable to aggregate in great manufacturing towns exposed to insurrection and tumult, a large amount of bonded goods of a very tempting nature. If they looked on this bill as a final measure, he did not think it likely to have any great effect upon the revenue or the interests of seaports, it was so guarded and restricted. Compelling the bonder to pay the full amount of duty, according as he took out his goods, and depriving him of the full allowance made to seaports, destroyed all inducement to bond inland, or any advantage to be derived from doing so; but there was very little doubt that the Chancellor of the Exchequer would be tormented, day after day, to remove those restrictions, to facilitate the operations of the bonders by a little increased expenditure, and to extend their privileges to town after town at an amount of expense which he was sure that House would never sanction. A memorial had been presented from Liverpool to the Chancellor of the Exchequer upon this subject, who promised it should be fully considered; but no answer had since been received from the right hon. Gentleman, and he knew not whether it was under technical consideration or not. Now, they had a right to be made acquainted not only with the opinion of the Chancellor of the Exchequer upon the subject, but also of the revenue board. It had been stated in that House, and never denied, that the revenue board were decidedly opposed to this bill, and he should like to know whether that was the fact or not. The noble Lord concluded by moving that the bill be committed that day three months.

Mr. *Brotherton* said, that the only ground of opposition to this bill could arise from a desire to preserve the present monopoly to seaport towns. This bill would be of great advantages to his constituents, inasmuch as the effect of it must be to lower the present enormously high expenses of warehouseing at Liverpool and other seaport towns, and to diminish the rate of insurance in those warehouses.

Sir *F. Trench* denied that this measure could be adopted without great danger to the revenue. Hon. Members might talk of a monopoly, but he did not think that seaport towns ought to be deprived of a right which they had long enjoyed, and which they had exercised for the benefit of the country.

Mr. *Lascelles* said, that the whole question depended upon the effect it would have upon the revenue; and after the statement of the President of the Board of Trade he thought that the House ought to feel perfectly satisfied on that head. If they were to sanction the principle that they were to do nothing if it interfered with individual interests, there would be a stop to legislation altogether. He should support the bill.

Mr. *A. Chapman* objected to the bill on the ground of the immense patronage which it would give to Government in the shape of the appointment of officers.

The *Attorney-General* begged, in the name of his constituents, to return his warmest thanks to his right hon. Friend for bringing in this bill. As the law stood at present, the city of Edinburgh, which for all purposes ought to be considered a seaport, because it had no river running into the heart of it, was excluded from the benefits which seaports enjoyed. All towns should be placed upon an equal footing, whether they were one or fifty miles inland. He hoped, that this bill was the beginning of a system for giving free trade to every part of the country. He felt confident, that all impartial Members would support this bill.

Mr. *M. Philips* said, that his measure had been introduced in 1834, so that no Member could justly complain, that there had not been sufficient time for its consideration. The noble Lord, the Member for Liverpool stated, that the warehouses of Liverpool cost four millions. The duty on the goods warehoused in Liverpool was four millions annually, of which the town of Manchester and its environs paid one-half—paying, in fact, every year, half the value of the warehouses of Liverpool. He was convinced, that this measure would confer great general advantages, and he cordially supported it.

Mr. *Hutt* said, that all must agree, that this was a subject which involved very large property, and the ruin or welfare of a great number of individuals. It ought, therefore, to be approached with caution and consideration. He hoped, the right hon. Gentleman, the President of the Board of Trade, would consent to withdraw the bill for the present Session, and that it would be introduced at an early part of the next Session, and referred to a committee up stairs, where there would be a full opportunity of considering all the circumstances of the case.

Mr. *Warburton* said, the necessity of legislating on this subject arose from the present high duties. By removing those duties the seaports would enjoy a large share of the trade, as from their situation they were entitled to do; whilst the inland towns would derive from the change the benefits to which they were fairly entitled. He thought nothing more unfounded than the outcry which was raised against this bill by the seaport towns. He thought the House was bound to see that the inland towns received some compensation for the loss which they suffered in being shut out by the high duties from a participation in the general trade and warehousing of the country.

Sir *E. Knatchbull* said, that it was unfair in the Government, and unjust to the parties interested, to introduce this bill at the present late period of the Session.

Mr. *P. Thompson* said, that the right hon. Baronet had alone introduced party politics into a discussion which ought to be totally free from such topics. He knew not whether the experience of the right hon. Gentleman in office led him to look with suspicion on every measure introduced under such circumstances as the present, but he thought his objections to this bill perfectly groundless. As to its being introduced at a late period of the Session, it was, *totidem verbis*, the same bill as he had brought forward four years ago.

The House divided on the question of going into committee:—Ayes 102; Noes 39: Majority 63.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Attwood, T.
Baines, E.
Baring, F. T.
Barnard, E. G.
Bernal, R.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bryan, G.
Buller, C.
Callaghan, D.
Cayley, E. S.
Codrington, Admiral
Craig, W. G.
Dalmeny, Lord
Dennistoun, J.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R. S.
Egerton, W. T.
Elliot, hon. J. E.
Ellis, W.
Evans, W.
Ewart, W.
Fenton, J.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Jervis, S.
Langdale, hon. C.
Lascelles, hn. W. S.
Loch, J.
Lowther, J. H.
Lygon, hon. General
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Packe, C. W.
Palmer, C. F.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinney, W.
Price, Sir R.
Protheroe, E.
Rice, E. R.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Steuart, R.
Stewart, J.
Strutt, E.
Talbot, C. R. M.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Walker, R.
Warburton, H.
Ward, H. G.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, C.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the NOES.

Acland, Sir T. D.
Attwood, W.
Berkeley, hon. H.
Blackstone, W. S.
Blennerhassett, A.
Bowes, J.
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Canning, rt. hn. Sir S.
Chapman, A.
Colquhoun, J. C.
Darby, G.
Ellis, J.
Ferguson, Sir R. A.
Hawkes, T.
Henniker, Lord
Hodgson, R.
Hope, H. T.
Hutt, W.
Irton, S.
James, Sir W. C.
Kemble, H.
Knatchbull, r. h. Sir E.
Liddell, hon. H. T.
Lockhart, A. M.
Ossulston, Lord
Palmer, G.
Plumptre, J. P.
Praed, W. T.
Pryme, G.
Richards, R.
Rumbold, C. E.
Seale, Sir J. H.
Shepherd, T.
Trench, Sir F.
Wilshere, W.
Wood, Colonel T.

TELLERS.

Sandon, Viscount
Hodgson, H.

Bill went through a committee.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS.] On the motion of Lord J. Russell, the Cathedral and Ecclesiastical Preferments Bill was read a third time.

Mr. *Aglionby* moved a clause to the effect, that the ecclesiastical commissioners for England shall, upon the application of the lessee of any messuages, lands, tithes, or other hereditaments, being the separate property of or belonging to any vacant canon, prebend, or dignity, if in the case of a lease for lives one or more of the persons for whose lives the same was held on the 4th day of February, 1835, be dead, or if in the case of a lease for years the period shall have elapsed, at which it would have been lawful for the holder of such canon, prebend, or dignity, if the same had not been vacant, to insert a life or lives, or grant a renewal of such lease in like manner, and on the payment of fines to be calculated on the same principle, and subject to the same terms and conditions as have been heretofore used in each instance on the insertion of a life or lives, or on the renewal of such leases, as the case may be.

Clause read a first and second time. House resolved itself into a Committee on the clause in Committee.

Sir *T. Acland* proposed to limit the operation of the clause to lives now existing, and moved to substitute "the 1st January, 1839," for the "4th of February, 1835."

The Committee divided on the question that the date be the 4th of February, 1835: —Ayes 33; Noes 38: Majority 5.

Mr. *Hume* proposing that the blank be filled up with the words "the 5th of February, 1835."

Lord *John Russell* objected to the clause being made retrospective, as it would operate exclusively in favour of the lessees, and entirely against the Church.

Mr. *Hume* had no wish to give an advantage to either party. The object of his proposition was to do justice to both parties.

Sir *James Graham* thought the clause was due in strict justice to the lessees. So far from its giving an undue advantage to them, he was of opinion, that the course of legislation for the last four years had been most unjust to them. He certainly should support the amendment of the hon. Member for Kilkenny.

The Committee divided again.

On the question that the blank be filled up with the words "first of January, 1839."—Ayes 37; Noes 40: Majority 3.

Blank filled up with the words "fifth of February, 1835."

The House resumed, and the clause was reported.

On the question that the clause be added as a rider to the bill,

Lord *John Russell* objected, as it went back four years, and he should certainly divide against its adoption.

Mr. *Warburton* could not understand how the noble Lord could oppose the clause, after having so far adopted it as to have voted with the hon. Baronet for filling up the blank with the words "1st January, 1839;" thus, in fact, recognising the principle of the clause. What possible difference could the fact of the clause going back to an earlier period make as to the principle of it?

Mr. *Aglionby* had been unfairly treated. He had no personal interest in moving the clause. He had formerly submitted the clause to the hon. Member for Chichester, who fully approved of it, and he was ready to have moved it when the report was brought up, but then the noble Lord had left the House. He had thus, however, only one other stage left, and had accordingly brought it forward on the third reading. The noble Lord now told them he could not accede to the clause. Was it not fair to assume, that when the noble Lord had acceded formerly to the clause in his place, that it would not meet with after opposition? He left it to the House and the public to decide. He regretted that he had been obliged to make these remarks, but the course followed by the noble Lord had left him no alternative.

Lord *John Russell* said, with respect to the understanding said to have been entered into between him and the hon. Member for Chichester, when that hon. Member spoke to him about moving this clause on the bringing up of the report, he had stated that he thought such a course would be attended with inconvenience, and that it would be better to move it on the third reading; and the hon. Member for Cockermouth now blamed him for acceding to that course. He did not see that he was so much to blame for having done so. The mode of proceedure which had been followed, and the very unusual course adopted by the hon. Member for Kilkenny, left him entirely free still to oppose the clause; and he felt that he was fully justified in opposing it.

Sir *James Graham* must say, that according to the practice of the House the noble Lord was fully entitled to take the sense of the House against the clause.

The House divided.

On the question that the clause be added to the bill by way of rider:—Ayes 39; Noes 45: Majority 6.

List of the Ayes.

Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Duncombe, T.
Ellis, W.
Evans, G.
Evans, W.
Ewart, W.
Fielding, J.
Fenton, J.
Finch, F.
Gisborne, T.
Graham, rt. hn. Sir. J.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hodgson, R.
Hoskins, K.
Howard, P. H.
Hume, J.
Hutton, R.
Jervis, S.
Liddell, hon. H. T.
Lushington, C.
Macleod, R.
Muskett, G. A.
O'Brien, W. S.
Pechell, Captain
Rice, E. R.
Salwey, Colonel
Scholefield, J.
Smith, B.
Vigors, N. A.
Walker, R.
Williams, W.
Williams, W. A.
Wood, C.
Wood, G. W.
Yates, J. A.

TELLERS.

Aglionby, H.
Warburton, H.

List of the Noes.

Acland, Sir T. D.
Attwood, W.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Buck, L. W.
Buller, Sir J. Y.
Cole, Viscount
Darby, G.
Dick, Q.
Euston, Earl
Fleetwood, Sir P.
Gordon, R.
Gonlburn, rt. hon. H.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hope, hon. C.
Howick, Viscount
Irton, S.
Kemble, H.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lushington, rt. hn. S.
Maule, hon. F.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Packe, C. W.

Palmer, C. F.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Plumptre, J. P.
Praed, W. T.
Protheroe, E.
Pryme, G.
Rolfe, Sir R. M.
Russell, Lord J.

Seale, Sir J. H.
Stock, Dr.
Style, Sir C.
Troubridge, Sir E. T.
Turner, W.
Wood, Colonel T.

TELLERS.

Dalmeney, Lord
Seymour, Lord

Clause rejected. Bill passed.

METROPOLIS POLICE COURTS.] Mr. *Fox Maule* moved that the House resolve itself into a Committee on the Metropolis Police Courts Bill.

On the question that the Speaker do leave the chair,

Mr. *Law* rose, pursuant to notice, to move that this bill be committed that day six months. He very much regretted that a question of so much importance as was involved in the bill now before the House, should be discussed when there was so thin an attendance of Members. That deficiency in numbers he attributed to the late period of the Session, and to the exhaustion felt by many hon. Gentlemen after protracted and wearisome attention to the business of the House, and not to any indifference to this question. But a question of greater importance could scarcely be submitted to the consideration of Parliament, and therefore he was compelled to trouble the House with some lengthened remarks thereupon. His objection to the bill now before the House, applied both to the principles and to many of the details which were to be found in its numerous clauses. If he gained no other advantage from offering his opposition to the bill, he should, at least, probably draw from the opposite side of the House, and from those who were the authors of the measure, a declaration of those modifications which they were disposed to make. He found that by this bill an enormous amount of patronage was to be vested in the hands of the Secretary of State for the Home Department. He confessed that this was a circumstance of which he was jealous. He had the highest respect, apart from political considerations, for the noble Lord who presided with so much ability in the legal department of his office over the interests of the people; and if he could suppose that the noble Lord would have an opportunity of investigating the merits of every person offering himself for situations under this bill and under his jurisdiction, he might feel less disposed to press his opposition on that head, because although he differed, as he most essentially did, on almost every political question with the noble Lord, he was bound to acknowledge both the capacity and ability he had displayed in the legal department of his office. His objection then was to the constitution of a power to be administered by the Secretary of State, and not to the personal administration of patronage by the noble Lord. There were no less than twenty-seven magistrates to be placed at the disposal of the noble Lord, he being at liberty to remove magistrates at pleasure; to grant to those removed two-thirds of their salary; and to increase the existing emoluments of magistrates from the sum of 800*l.* a-year to 1,200*l.* a-year, and the salary of the chief magistrate to be 1,400*l.* a-year. He was not one who wished that important duties should be discharged without a competent remuneration, and he was certain that if such duties were intrusted to members of his profession, they would be fully entitled, if it were safe and proper to confine such jurisdiction to their hands, to the emolument proposed in this measure. But still his objection remained untouched, as to the vesting of any gentleman with the unconstitutional powers proposed by this bill without a certificate from the judges of Westminster-hall, so that some security might be had that he would not be a person who should be deemed a creation of political favour, and therefore inadequate to exercise the great and important, not to say unconstitutional, powers proposed to be conferred. There was also in this bill, what he was perfectly aware now existed in a modified shape, a power on the part of the Secretary of State, to remove at pleasure the gentlemen occupying the situations of justices of the peace in the police offices. He would not impute to the noble Lord that he had taken upon himself, without any legal advice, to fill up such offices; his objection was extended much more to the power intended to be conferred on these functionaries. He believed that if that House, although it was supposed to be so much improved since the passing of the Reform Bill, were constituted as it was before that event—notwithstanding it was then so much vituperated as not representing the feelings or guarding the rights of the people—such a bill would be resented and resisted, as a most arbitrary measure directed against personal liberty. He accounted for the difference of feeling in the House by this circumstance—that her Majesty's Ministers and those who had advocated the Reform Bill were anxious to place at the disposal of those, merely in a subordinate station formerly, such powers as would make them subservient to their political purposes. But when great political and civil powers, and public and personal liberty were concerned, when the spirit of our ancient constitution, and the trial by jury, that great bulwark of purity of justice, were concerned, those who had promoted the Reform Bill had not been found wanting to abridge freedom, and place at the disposal of arbitrary functionaries the rights and liberties of the people. A more arbitrary measure than the present could not have emanated from the most despotic Power and Government that ever existed. He was certain that the administrators of justice would assume a new character and present a new feature to the public. When he found that the Government were prepared by a side-blow to demolish the greatest security of the subject—trial by jury—he was not disposed to give them credit for the manner of effecting a mitigation of the criminal code, because it would seem that by a plea of administering justice with a greater mixture of mercy, they aimed, and aimed successfully, a deadly blow at the constitution of this country, by depriving men of the privilege of being tried by the judgment of their peers. And he was not at all disposed to concede to any Government from whom such a measure might emanate, any real and sincere disposition to mitigate the criminal code of this country, when it was to be effected at the price of public liberty, and by the most ancient of British rights and privileges. He found by this bill that the discretion of summary jurisdiction was infinitely extended, and that instead of being exercised, as at present, in cases where parties approached the commission of a felony, it was by this bill intrusted to a magistrate who was to hold his office during the pleasure of the Secretary of State, to convict any man of felony without the intervention of a petty jury; and because the blow was not heavy enough when dealt at an individual in that shape, power was further given to the magistrate, on the commitment of a party, to frame an indictment, and thus to put him, whose case he had heard, upon immediate trial without the intervention of a grand-jury. The effect and leading principles of the measure were, that a man might be convicted of larceny or felony, not being of an important character, without the intervention of a jury, while, if the magistrate, having dealt with the circumstances of the case, deems it of sufficient importance to be submitted to another and a superior tribunal, he could at once, and of his own authority, frame an indictment, and put the party whose case he had adjudged upon his trial, without the intervention of a grand jury. He conceived this to be one of the most fatal and deadly blows ever aimed at the liberties of the subject by any Government in this kingdom. He was not to be deterred from these observations by the cheers of the hon. Member for Lambeth, because he believed that those who had been loudest in their declamations in favour of political freedom and personal liberty, now disregarded both to an extent never exhibited by Members on his side of the House; he believed that the hon. Member for Lambeth might carry to his constituents whatever professions of the love of personal liberty he pleased, but understanding men, men capable of forming a judgment, would tell the hon. Member his professions were one thing—his acts another; that to him grinding tyranny was acceptable, and, that though he stated to the contrary, they were not disposed to support him. He did not apprehend that such propositions as those contained in this bill, would, at any former period of the history of the country, have been entertained for one hour. He could not believe that such propositions as the dismissal of trial by jury, the superseding the functions both of petty and grand juries by a new law, to embrace a circuit of ninety miles round the metropolis, could have been entertained for one moment, if the country had not arrived at that state of indifference and despair which the maladministration of hon. Gentlemen opposite had eminently contributed to bring about. It would have been sufficient, formerly, to have stated that the Secretary of State, or his representative in the House, had proposed such a measure as the present, to have excited the public mind against it. The idea of such a law would have been scouted. But now that the people were habituated to disturbances created with political views—when they were distracted by the means used to carry political objects into effect, and when there was such a ferment in the country—such general distrust and alarm, both as respected property and personal safety—the Government to hoped take advantage of these circumstances, and to induce the people to have recourse to a measure which dealt, as he had already said, a fatal blow against their best rights, interests, and privileges. On the subject of patronage he might state, that this bill created twenty-seven offices of 1,200*l.* per annum each—one of 1,400*l.*—besides so many clerks at 500*l.* per annum, and so many second clerks at 300*l.* All these offices were to be appended to the personal patronage of the Secretary of State for the Home Department. But his objection went to higher ground than that arising from this patronage. The Home Secretary had, under the provisions of this bill, power to remove, not only for cause, but without cause, any magistrate he thought fit, apportioning to the party so removed a portion of his salary, and of filling up the vacancy so created by the appointment of some expectant for political favour. The bill proposed, that the office of police magistrate should be filled by gentlemen who had the qualification of a seven years' standing at the bar, and these gentlemen were not only to perform all the functions confided to the judges of Westminster-hall, but were to embody in their persons the powers both of petty and grand juries, and yet their existence was not to rest on public approbation, but on that of a single Minister of the Crown, who was to be empowered in the way he had stated, to remove them from office at his own will and pleasure. Whether her Majesty's Government had been induced to seek this power, from having seen the wretched appointments which, from time to time, they had made, and feeling the consequences which had arisen from the way other magistrates of their selection had conducted themselves, he knew not. It might be they had looked at Birmingham, and seeing how their friends had acted there, had thought it would not be safe to intrust magistrates, acting within a circuit of ninety miles round the metropolis, with such important powers as those created by the bill, unless the Secretary of State for the Home Department had power, at any moment, to remove them from office. He contended, that if it were fitting (and he trusted the House would not think it fitting) to confide to any man the powers specified in the act, the party holding the office ought to hold it on the same terms as the judges of the land, responsible only to public opinion, and not removable at the will of a political functionary If any man was intrusted with the powers proposed, he ought not to be removable merely because he might be displeasing to the Secretary of State, but only for such dereliction of duty as would render a judge of Westminster-hall removable from his office. But, in addition to the powers proposed to be intrusted to these magistrates in their criminal jurisdiction, it was sought by this bill to confer on them all the powers held by any civil court—in other words, it was intended that, in addition to their duties, as police magistrates, they should administer the civil affairs cognizable by any local civil court, and here again to supersede the functions of a petty jury; and the public were to have no security in the matter beyond the fact, that these functionaries were pleasing to her Majesty's Secretary of State for the Home Department. Another important feature of the bill was, that all the acts done by two justices, under the existing laws, might be performed by one justice. Again, by the 16th clause, the gentry of the neighbourhood, the unpaid magistracy, were precluded from forming an element in the administration of criminal justice, for that section provided "that no justice of the peace, not appointed of the said court, shall act as a judge," &c. By a method, the merit of which nobody knew better than her Majesty's Government, gentlemen acting as justices, were precluded by the provision that no fees should be taken except at the police court. The bill then contained powers to apprehend without summoning the parties accused of any offence. Again, it contained a curious distinction with regard to the powers to be exercised by a single magistrate; he was empowered to act summarily in the cases of petty thieves and the receivers of stolen goods. What induced the party who drew this bill to mix up petty thieves with the receivers of stolen goods, he was at a loss to comprehend. It had ever been the gist of legislation to reach at and punish receivers, and yet here they were introduced as parties with whom the magistrates might deal as with petty thieves. But in order that too much disgust might not be created by this measure, and bad as its provisions were, some consolation was afforded by the fact that a summary conviction by a single magistrate should not make a forfeiture, but still there were powers to deliver up goods charged to have been stolen; a single magistrate was intrusted with powers to award compensation for wilful damage by tenants, to deal summarily with cases of excessive distraints, and to order the delivering up of goods unlawfully detained. Now, all these were matters which every man who was conversant with civil law, well knew involved questions which were peculiarly proper to be submitted to the consideration of a jury; and there was no honest man who had ever administered the duties of a judge on mixed questions of law and fact, but had felt himself relieved by the circumstance that the facts were decided by the jury; and he was quite sure, if, instead of consulting the highly respectable persons, commissioners of police and others, who had been examined before the Police Committee, the opinions of the judges of the land had been resorted to on this point, those opinions would have fully justified his position. A Lord Chancellor had been examined—certainly with the leave of the House of Peers—before a Committee of that House, and he was not aware of anything that excluded the other lights of the law from giving this information to a body of laymen — men unconnected with the legal profession—who were sitting in comparative darkness and obscurity on the question they had in hand. He was surprised that those who pretended to be the friends of the liberties of the people should make such an attempt as this measure was, to interfere with the rights and privileges of the people. By the 48th section the police magistrates had power to apprehend parties even where no information had been taken in writing; and then the bill went to provide, that convictions were not to be quashed for want of form, and should not be removable by *certiorari;* and then, though an appeal against convictions was given to the Quarter Sessions, it was confined to cases where the parties had been ordered to be imprisoned more than a month. Such were the propositions of the friends and advocates of the liberties of the people, and from no other parties, indeed, could they have come. It was not his intention to exhaust the House by alluding further to these leading propositions. He had felt, in common with the public, that authors of this bill meditated a very dangerous infringement upon public liberty. He had felt, administering as he did, a large portion of the criminal law of the country, and thereby unhappily called on to inflict a great deal of pain, that those persons who were often subjects of his criminal jurisdiction had a claim on whatever little experience he had had of their sufferings and severity of punishment for example's sake, in order that those sufferings and that severity might not be aggravated unnecessarily, and that these objects of punishment and their friends should have at least the consolation of feeling and knowing that they were not submitted to severe punishments, to loss of liberty, and to entire degradation, without the intervention of that constitutional privilege and protection which hitherto had been deemed by Englishmen essential to their liberties. His experience with regard to the conduct of magistrates sitting at Quarter Sessions and elsewhere, had led him to know that, however zealously the duties of police magistrates were discharged, in cases where there was no appeal, the most grievous and intolerable injustice was frequently committed. Feeling this, from an experience partly at the bar, and partly in a judicial capacity, of more than 20 years, he should deem it an injustice to those who had a claim on his humble services, if he did not exert himself to the utmost of his power to oppose a measure which he believed to be fraught with pernicious consequences, and to be entirely subversive of the liberty of the subject. Under these circumstances he would move that this bill be committed that day six months.

Mr. *Hawes* said, that considering the hon. Gentleman who spoke last was a judge, he certainly had never heard a speech possessing so little of the judicial character, or more mixed up with party feeling. The hon. and learned Gentleman said, that this bill grossly infringed upon the liberty of the subject in abolishing trial by jury in certain cases. Now the report of the Committee on which this measure, was founded, had undergone the most careful consideration: there were on that Committee Sir Robert Peel, Lord Hotham, Mr. Estcourt, Mr. Robert Clive, Sir Eardly Wilmot, and several other Gentlemen who sat on the same side of the House with the hon and learned Gentleman, but none of them had dissented from the report. The hon. and learned Gentleman said, that no Government, however bad, had hitherto ventured upon such a proposition as doing away with the trial by jury; but hon. Gentlemen must know, that it had been done in an infinity of cases; that this principle formed part of the ordinary statute law of the country, as administered throughout England without a single complaint. Surely the hon. Gentleman could not be ignorant, that this principle pervaded the whole of Sir R. Peel's admirable Act, consolidating the Criminal Laws of England, every statute in which was founded on the basis of summary jurisdiction. What said the third report of the criminal-law commissioners? They stated, that they considered the trial by jury, when applied to petty cases, as derogating from the dignity of an inferior court of justice, and as not having the effect of deterring the offenders from again transgressing the law, for that the slightness of the offence, and the probable youth of the offender, generally rendered the prisoner an object of compassion to the jury, who either acquitted him, or recommended him to mercy, so that the sentence became merely nominal. Mr. Alderman Harmer, too, a gentleman of great experience, had also spoken most decidedly in favour of a summary jurisdiction in slight offences. Many of the cases tried before the Central Criminal Court were of the most trifling description. From a list which he held in his hand of persons convicted and sentenced to imprisonment of three months and upwards, it appeared, that one man was sentenced for stealing a handkerchief, another for stealing an awl, another for stealing a pair of old boots, another for stealing a kettle, and so on. Did the hon. and learned Gentleman mean to say, that such petty offences as these were fit and proper cases to be made, without mitigation or exception, the subjects of trial by jury. If he meant to say this, why did he not rise and propose the repeal of all the Acts of Parliament which give summary power to the magistrates? Why did he not propose to repeal Peel's Consolidation Act? Why not repeal the Vagrant Act, the Pawnbrokers' Act? The Police Act, which would expire this year, gave the magistrates this power: —if a man was brought before a magistrate on suspicion of committing a felony, he might be sentenced at once to certain punishment and imprisonment; but if he was convicted of a felony, he could not be so punished without being sent to take his trial, and it was well understood that the majority of the offenders much preferred to come under the summary jurisdiction than to be sent to trial. The House of Lords, in their report on the subject of criminal law, strongly supported the principle of summary jurisdiction for trifling cases, while the hon. and learned Gentleman, in his *ad captandum* speech, had cited no sort of authority for his opinion. The hon. and learned Gentleman had taken a most unusual course in choosing to raise a debate on this occasion, on the principle of the bill. Where was the hon. and learned Gentleman when the bill was proposed to be read a second time, the occasion on which a discussion on the principle of a bill was generally taken? The principle of a measure on that occasion was fully considered, and the House decided in its favour. It was a most unusual course to have the debate on the principle of a bill taken twice over. The delay and expense of proceeding was an extreme hardship on the great body of the public, and they strongly felt the injustice done them. The hon. and learned Gentleman knew much better than he did, to what an extent reform had been carried in the superior courts—how much the process had been simplified, the delay lessened, and the expenses cut down. But when we came to the police courts, which were, in fact, the courts both of common law and equity to the poorer classes, the hon. and learned Gentleman jumped up and strongly opposed any change in these courts, although he must be fully aware of the hardships to which the poor suitors were exposed in them. The bill conferred great advantages on the public, and would be productive of much good to many classes who were now exposed to a virtual denial of justice. The Committee showed, that the poorer suitors had no remedy for the evils which he had alluded to, but were obliged to submit to the greatest injustice, and the consequence was, that they were rather induced to look upon the law as an avenger, rather than as a friend. The hon. and learned Gentleman, however, was opposed to a change by which the poorer classes would be able to get rid of the grievous expense and delay, to which they were exposed before they could get redress for any wrong done them. He need only read over the heads of the bill to show some of the hardships the lower classes were now exposed to, and the simple remedies that would be afforded them under this bill. The hon. and learned Gentleman must know, that in case a poor man took lodgings, and got into a dispute with his landlord, and owed some four or five shillings for a week's lodging, that he might have his box of tools seized, and himself thrown out of work. If he went to a magistrate to complain, he would be told to bring an action of trover, as if this was any remedy to the poor man who had no means of getting his daily bread without his tools. This was no imaginary case, but one of daily occurrence, and it was felt as a most serious hardship. It was clear, that the superior courts could not supply any means of redress, as the poor man had no means of resorting to them; therefore it was absolutely necessary, that in one shape or other they should supply some cheap, ready, and accessible mode of civil process for persons in these walks in life. This was a part of the bill to which he would particularly direct the attention of the hon. Gentleman. If, however, the principle which the hon. and learned Gentleman advocated was adhered to, the poorer classes would still be exposed to this great injustice. He did not wish to weary the House by going into the details of the bill now, as that could be done with more advantage in Committee; but he rose to defend the report of the committee on which it was founded, and he would continue to do so as long as he had a seat in that House. When the hon. and learned Gentleman talked slightingly of the labours of the police magistrates, he would tell the hon. and learned Gentleman, that he was not justified in speaking in such a manner of Gentlemen who had a most laborious and important duty to discharge, and who were engaged in it from early in the morning until, often, late in the evening, and who rendered the greatest services to the public. The duty which the hon. and learned Gentleman performed, and that which those magistrates had to discharge, would bear no comparison. He now spoke of the head of the Central Criminal Court, and not of the hon. and learned Member personally, and he found that he enjoyed a salary of 3,000*l.* a-year, while the magistrates under this bill would receive only 1,200*l.* a-year. He would now proceed to show, that the head of the Central Criminal Court did not discharge half the laborious duties, with his salary of 3,000*l.* a-year, that those magistrates would have to perform for 1,200*l.* a-year. If this question were raised, it would be for the corporation of London hereafter, to look after the salaries they paid to their judicial officers, always, of course, having due regard to existing interests. He had got a return of the number of cases determined in the Central Criminal Court within a certain period. He would not occupy the time of the House by taking a return for a long period, but would take the returns for the months of March, April, and May, for this year. He would confine himself to the number of cases tried by the Recorder, and he found, that in the month of March, the number of cases tried by the hon. and learned Gentleman was seventy-nine; he had already described to the House the nature of some of the cases. In the month of April, sixty-three cases, and in the month of May, forty-four, making together 186. The business done at one of the largest police-offices, during the same space of time, bore no comparison to this. He begged the House to recollect, that he was comparing two things exactly coincident in time. The number of cases disposed of at Union-hall police-office during the same months of March, April, and May, was 1,844, which were to be put against the 186 cases which he had just referred to. And these were charges made by police constables, and formed by no means the whole duty of the magistrates. The total number of the charges decided at Union-hall, in three months, was 1,844, and of these upwards of 600 involved cases of felony or stealing, or crimes against property. The remaining 1,244 cases were for assaults and the usual variety of police charges. Besides this number, however, the magistrates of this office heard and decided 817 cases of summonses and warrants taken out by private parties. The business of the office extended from ten in the morning until five in the evening, and often to a much later hour. He had no hesitation in saying, then, that it did not become any Gentleman holding a high judicial situation, to raise the question about the expense, or the money it might cost, when the interests of the administration of justice were so deeply involved. He took it for granted that the hon. and learned Gentleman had read the report of the committee on which this bill was founded, and he would find there strong and urgent reasons stated, for raising the salaries of the magistrates, and he was perfectly willing to take his share in the responsibility of joining in the recommendation of the committee. He was satisfied, that if there was one department connected with the administration of justice which more than another required talents and ability, and coolness and discretion, on the part of the administrator, it was that of the magistrate; and this he said with perfect confidence, when he recollected how much the proceedings before the magistrate affected the large portion of the population of this country, in all the various cases that came before him. If, then, the police magistrates were underpaid, and their offices were not filled by men of such high ability and character, was it not desirable that they should place them on such a footing, that Gentlemen possessing adequate qualifications might look to as worthy of accepting. He always held it to be bad policy to raise a question of money, when they had to look to the discharge of duties, which could only be adequately performed by men of education and acquirements—situations not to be held by men who had left the profession they belonged to, because they found they could not succeed in it, but by men who accepted them, because they felt confident that they were able to discharge the duties devolving on them, with honour to themselves, and with advantage to the public. He would not go into the question of the appointments made of magistrates, but he could not help observing, that when the allusions were directed to them, made by the noble Lord, the hon. and learned Gentleman should have recollected, that many of these appointments were made before the noble Lord was appointed to that office. The hon. and learned Gentleman, however, had poured out the vial of his wrath on these appointments, and protested against the ends of justice being defeated by these appointments. He believed that the appointments made by the noble Lord, were quite as good as any that were made by any of his predecessors; but it was the hon. and learned Gentleman who had raised the question, and he was responsible for it. The hon. and learned Gentleman undoubtedly raised the question of patronage, and connected it with the appointments to be made under this bill by the Secretary for the Home Department. The hon. and learned Gentleman did not seem to object to the appointments being given generally to the Secretary of State, but only to the noble Lord as Secretary of State. The hon. and learned Gentleman then said, that he would give thes appointments to the judges; but he did not state any grounds why he would not give them to the Secretary of State for the Home Department. Did he forget that the right hon. Gentleman near him had been Home Secretary, as well as Sir Robert Peel, and other persons connected with the party opposite? He had never heard the question raised before, that it was improper to make appointments, because men had been political partisans at one period of their lives. The hon. Gentleman, by a kind of Herculean exercise of force, had chosen to introduce the Birmingham riots into the subject, and somehow or other, had mixed up the appointment of magistrates in that town, with the abuse of patronage which he said would take place under this bill. He did not condescend to show the House how any extra patronage would arise under this bill. He, however, did not neglect the opportunity of slyly insinuating, that the patronage might be exercised under it in a manner which had not been tolerated with regard to any previous Secretary of State. Let the hon. and learned Gentleman look into the report of the committee, into the nature of the evidence, and into the character of the witnesses that gave evidence upon this subject. He would only refer to the evidence of one Gentleman, namely, Mr. Empson, the distinguished jurist, who had rendered the greatest service to the public on this as well as on all other subjects connected with the administration of the criminal law. That Gentleman said, I think that the poor ought not to suppose that they get the worst justice that is administered in the country. There is a great deal, however, besides a legal education, that is required for the purpose of duly discharging the duties of a judicial situation. The requisite amount of legal knowledge will only go a short way; but it certainly is indispensable if you add such duties as have been of late added to offices of this description. Nobody objected to such a power being given to the Lord Chancellor; but the greatest outcry was raised against the smallest power being given for a magistrate, under the Metropolitan Police Bill, to act in minor cases in a civil capacity. With respect also to single jurisdiction, no one thought of objecting to it in the case of the Lord Chancellor; but Gentlemen opposite protested most loudly against the principle being brought in practice in the case of magistrates. Hon. Gentlemen might say, that in theory the practice of two magistrates sitting together was sound and good, because they served as a check, the one upon the other. But he entertained a very different opinion upon the subject, for when a magistrate was sitting alone on the bench, in the face of the public, and in the face of a rigid and vigorous public press, he was more likely to act with decision and caution, than if there were two magistrates to decide, dividing, as they would, the responsibility. He, therefore, was satisfied, that it was better to leave the decision to a single magistrate than to refer it to two, for he was satisfied that the real check, after all, was the presence of the public. There were various other parts of the bill which it would be better to discuss in committee. There were two or three heads of the bill, however, which he might refer to as conferring the greatest benefit on a large portion of the public, and therefore the bill should not be characterized in the terms bestowed upon it by the hon. and learned

Gentleman. For instance, in petty and frivolous cases, the magistrate had power to enlarge a person on his own personal recognizance. Another clause enabled a magistrate to order a restitution of goods which had been stolen or fraudulent obtained. By another clause, a magistrate had power of adjudicating in various matters between landlord and tenant again, if the hon. and learned Gentleman were out of the House he might hear words uttered which he considered slander, and might go into a court of law to vindicate his character. For instance, what he (Mr. Hawes) had said that night, and as no means of summary process existed at present—for he knew the hon. Gentleman objected to that, and he trusted that he would never resort to anything of that kind against him—he might then go into a court of law to vindicate himself at considerable expense. But what was the case with the poor man? He was debarred from any remedy of the kind. He might hear his wife, or the nearest female members of his family, grossly abused and slandered; if he went to a magistrate and made his complaint of the character of his wife and family having been taken away, he could now only be told that he must resort for redress to a higher court. But what was that to a poor man but a virtual denial of justice? Under this bill, however, a short and easy remedy was afforded, and, if it passed, a poor man would know that his feelings might not be outraged with impunity merely in consequence of his poverty. He would venture to say, that for some years, no bill had been introduced into that House which regarded so much the wants and feelings of the poorer classes. He thanked the House for concurring in this answer to the hon. and learned Gentleman, in respect to the insinuations which he had been pleased to throw out in respect to him, not of the most charitable kind. He trusted, however, he had shown sufficient to justify him in introducing this bill.

Mr. *Law* wished to deny that he had made any attack or brought charges against the body of magistrates at the police offices. His observations were entirely confined to the immediate patronage that would be placed by this bill in the hands of the Ministers of the Crown. He did not insinuate that the salaries to be paid under this bill were too high, or that the gentlemen appointed would be overpaid. He denied that he had made any attacks on his brother magistrates. The hon. Gentleman who had been pleased to throw out certain insinuations towards the conclusion of his speech, which he could not help feeling that the hon. Member had made, having regard to the situation that he filled. His objection to the patronage was not to that patronage being placed in the hands of the noble Lord in particular, but in those of any Secretary of State.

Mr. *Hume* could not see what objection there could be to going into committee. Did the hon. and learned Gentleman object to the ameliorations which this bill would effect? If he did not, then the minor points to which he had alluded would be much better considered in committee. He was disposed to think, with the hon. and learned Gentleman, that the salaries were too high, and, in his opinion the salaries of all the judges were too high. He thought they had erred in that extreme in the past, and he trusted that in this bill they would return to the just medium. He would entreat the House to consider well the provisions of this measure, and, as a member of the committee, on whose recommendations it had been framed, and judging by the evidence which had been adduced, he must say, that it was the unanimous wish to give the people a cheap means of obtaining justice, which they had not at present. He thought the bill would effect that end, and he therefore trusted that it would be calmly considered. It was no doubt true that many improper persons had been appointed magistrates; but he trusted that, under this bill, the Minister would pay due regard to the responsibility under which he was placed.

Mr. *Goulburn* said, that when the hon. Member for Lambeth complained of the course which his hon. and learned Friend had adopted, the hon. Member must have known, that his hon. and learned Friend had only availed himself of a privilege which was common to all the Members of the House. His hon. and learned Friend had done no more than he was fully entitled to do, and the course which he had pursued was by no means unusual, for it was one which had frequently been followed in the present Session. There had been many instances of the principle of bills being discussed, upon the question that the Speaker do leave the chair. With regard to the remarks that had been made upon his right hon. and learned Friend and colleague not deciding as many cases as were decided by a police magistrate, the same remark would apply to any other judge. As it was essential that some bill for the regulation of police-offices should pass in this Session of Parliament, the provisions of the existing act being on the point of expiring, he thought it would be best for the House to go into committee upon the bill, in the hope of being able to make it such a bill as ought to pass, but at the same time he did not mean to pledge himself to support all its clauses; to many of them, those which had been adverted to by his right hon. and learned Friend, there were the greatest possible objections. It had been made a matter of charge against his right hon. and learned Friend, that he had objected on personal grounds to the patronage and power supposed to be given by this bill. Now, he had never heard personal topics more carefully excluded from a discussion than they had been by his right hon. and learned Friend, who had expressly said, that his objection was not to trusting this patronage and power to any particular individual, but to trusting them to the Secretary of State generally. He quite concurred with his right hon. and learned Friend in this view of the matter. The Secretary of State was, by the present bill, not merely to have the power of filling up vacancies occasioned by death, as was at present the case, but by this power there was now superadded an unlimited authority to displace magistrates at pleasure, and appoint new ones in their stead. It had been asked, whether he had not possessed and exercised the power of appointing magistrates. He had admitted that he had done so, and so far was he from being ashamed of the appointments which he had made, that he was convinced he had appointed no one who was not fully qualified to discharge the duties of his office. He would only refer to one appointment—that of Mr. Jeremy, who was universally acknowledged to be an able lawyer, and a diligent man, adequate to discharge his duties to the satisfaction of every one. He did not object to the salaries proposed to be given to the magistrates, but what he did object to was, the proposed extension of the district to which the jurisdiction of the police courts was to apply. As he was not opposed to going into committee, he did not think it necessary to trouble the House at present with the details of his objections to the bill.

Mr. *Fox Maule* said, that there was one question to which his hon. Friend behind did not fully advert in his admirable answer to the hon. and learned Gentleman opposite; and it was due to his hon. Friend, and the committee over which he presided, to give that answer to the hon. and learned Gentleman. He could not but admire the tact of the hon. and learned Gentleman, in fixing on that topic for attack, knowing that it was one on which his side of the House was peculiarly vulnerable. The hon. and learned Gentleman dwelt at large on the increase of patronage belonging to the office of Secretary of State. Did he forget that the twenty-seven magistrates to be appointed under this bill, existed under the present act? Did he forget that the Secretary of State had the power of appointing all those magistrates already—that all Secretaries of State had the same power ever since there had been the same number of magistrates—and that the Secretary of State had power at this moment of dismissing those magistrates exactly in the way which it was proposed to continue that power? The only addition was, that when the Secretary of State thought proper to remove a magistrate from office, that he shall have power of doing so, upon giving him something to retire upon. As to the increase of expense proposed by the bill, it would be only 400*l*. The present salaries were 800*l*., and the proposed amount was 1,200*l*. There was one thing that struck him upon which he must make a remark. The hon. and learned Gentleman said, he did not mean to make any reflections on the conduct of his noble Friend at the head of the Home Department—that he alluded only to the office of the Secretary of State, as held by anybody, and not by his noble Friend. If it was not his intention to make a personal allusion, why did the hon. and learned Gentleman introduce the Birmingham riots? Why, but to insinuate that his noble Friend made bad appointments at Birmingham, and might make bad appointments elsewhere. If ever there was a personal allusion, the impression on his mind certainly was, that the hon. Gentleman had made one. The whole tenor of the hon. and learned Gentleman's speech appeared to him to be not so much against the bill, as against the side of the House from which it came. He hoped for the credit of the office which the hon. and learned Gentleman held, that he would take the advice tendered to him by his right hon. Colleague (Mr. Goulburn) and the hon. Member for Kilkenny, and, having delivered his opinions on the subject, that he would not divide the House on going into committee. If the hon. and learned Gentleman persevered in dividing, there was one point which he would entreat the House to bear in mind. Upon the second reading of the bill, the only thing dwelt upon by the right hon. Baronet, the Member for Tamworth, was this—he desired to be convinced before voting for the second reading, that the bill was founded (and it was so founded) entirely on the report of the committee, which sat in 1838, and of which the right hon. Baronet was a member. If there was anything of value in the bill founded on that report, the Government were most willing to denude themselves of the credit which belonged to the committee who framed the report. If there was anything, on the contrary, that could be found fault with in reducing the recommendations into the clauses of the bill, the Government was quite ready to take the responsibility, and further to discuss those clauses in committee, and make such concessions as the House might require. They only desired that the measure should receive full consideration, and the impartial judgment of the House.

Mr. *Estcourt* bore testimony to the fact, that this bill was framed upon the recommendations of the committee of which the hon. Member for Lambeth was chairman; and he must say, as a Member of that committee, that he had never seen a chair filled with greater ability, or with a more complete freedom from party spirit.

Amendment negatived, and the House went into committee.

Upon Clause 1,

Mr. *Law* objected to the use of the word "court" instead of "office."

Mr. *Hawes* contended, that Court was the proper appellation for a place in which justice was administered, and if it could add, as he believed it would, dignity to the place in which the poorer classes had so often to apply for justice, he thought it would be most desirable.

House resumed.

The Chairman reported progress, and asked leave to sit again on the next day.

Mr. *Law* objected, and moved the further consideration of the report on Monday.

Mr. *F. Maule* was satisfied that there would be a full attendance of Members when the House met on the next day, and that a full discussion would be given to the measure. He therefore, hoped the hon. Member would not press his amendment.

The House divided on the original question: Ayes 50; Noes 18:—Majority 32.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Baring, F. T.
Barnard, E. G.
Bernal, R.
Brotherton, J.
Cavendish, hon. C.
Clements, Viscount
Elliot, hon. J. E.
Evans, W.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hoskins, K.
Howick, Viscount
Hutton, R.
Langdale, hon. C.
Morpeth, Viscount
Morris, D.
O'Connell, M. J.
O'Ferrall, R. M.
Parker, J.
Pechell, Captain
Philips, M.
Pigot, D. R.
Pinney, W.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Salwey, Colonel
Scholefield, J.
Sheil, R. L.
Stanley, hon. E. J.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Wallace, R.
Warburton. H.
Williams, W. A.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Archdall, M.
Attwood, W.
Broadley, H.
Bruges, W. H. L.
Douglas, Sir C. E.
Duncombe, T.
Gore, O. J. R.
Grimsditch, T.
Hodgson, R.
Irton, S.
Kemble, H.
Lockhart, A. M.
Palmer, G.
Sandon, Viscount
Thomson, Alderman
Williams, W.
Wood, Colonel T.
Young, J.

TELLERS.
Law, hon. C. E.
Sibthorp, Colonel

Committee to sit on the next day.

HOUSE OF COMMONS,

Saturday, July 20, 1839.

MINUTES.] Bills. Read a first time:—Dublin Police.—Read a second time:—Excise Licences; Sheep Stealers (Ireland); Sale of Spirits (Ireland); Jurors and Juries (Ireland); Assaults (Ireland).—Read a third time:—Timber Ships; Unlawful Oaths (Ireland).

Petitions presented. By Messrs. Sanford, Wilbraham, and Brocklehurst, from Taunton, Congleton, and Macclesfield, against the Factories Bill.—By Mr. Leader, from

St. Paul's, Covent Garden, against the Collection of Rates Bill.—By Mr. Plumptre, from a Clerical Society in Kent, and Sir R. H. Inglis, from the Home Missionary Society, against any further Grant to Maynooth College.

POOR LAW COMMISSION]. Lord *John Russell* moved the Order of the Day for a Committee on the Poor-law Commission Continuance Bill.

Mr. *Easthope* could not content himself with giving a silent vote on the very important measure under the consideration of the House, and felt bound to express his deep regret that a question involving such complicated and extensive public interests had not been brought forward at an early period of the Session, in order that the House might have had an opportunity of discussing its provisions with that deliberation which it required, and with a view to the adoption of such safe and salutary amendments as experience may have pointed out as proper to be engrafted on the provisions of the new system of the administration of the Poor-laws. It was obvious to every one who had attended to passing events, that much misconstruction and misunderstanding existed in the public mind in regard to the working of the Poor-law Amendment Act, calculated to produce great public mischief. Such being the case, and such the strong feeling which existed out of doors on this question, he deeply regretted that it had not been taken up on a day, and at a period of the Session, when due time and attention could have been devoted to its consideration, and steps adopted to do away with those erroneous opinions which existed, and also in some respects to soften and improve its administration. While he fully approved of the leading principle of the Poor-law Amendment Act—namely, its tendency to advance industry and discourage indolence, and thereby improve the character of the working classes, and was ready to admit that it had been attended with many beneficial results to the country at large—he could not conceal from the House that he felt considerable misgivings in regard to the manner in which the powers had in some instances been exercised by the commissioners, and that he entertained strong convictions that some alterations in that respect were essentially requisite. It happened to himself to become acquainted personally with two cases which had given him great pain. One of those cases occurred in the city of Worcester. It appeared that a few individuals connected with some paupers in that workhouse had been in the habit of furnishing them with snuff, tea, and sugar, and other trifling articles of that description. This they had done with the knowledge and concurrence of the local guardians, and also with the knowledge of one of the assistant commissioners visiting the establishment. No objections, as he believed, had been made to the system by any of those authorities. But a new assistant commissioner having come to the place, he insisted that the practice must be at once discontinued as an infringement on the rules of the commissioners, and that the furnishing of the articles must be immediately stopped. The guardians in vain remonstrated against that determination, and, finding their efforts to obtain an alteration of the decision of the assistant commissioner entirely ineffectual, they, as was perhaps in some measure to be regretted, in consequence, unanimously resigned. He happened to be at Worcester at the time, and he gathered his information from gentlemen favourable to the principle of the new Poor-law, all of whom lamented the interference which had been made with the local authorities by the assistant commissioner. He had written on the subject to the secretary to the commissioners at Somerset-house, beseeching him to consider the subject, and throw oil on the troubled waters agitated by the unnecessary interference of the subordinate commissioner. His application to the secretary, however, was attended with no good result, and orders were issued that the rule should be implicitly enforced. Had this measure been brought forward at an early period of the Session, he could not but think that a discussion in that House would have been highly useful, and in times of great distress and excitement, such as the present, certainly not unnecessary. The other case which he wished to notice referred to the Leicester board of guardians. The assistant commissioner decided that the reporters to the public press should be excluded from the meetings of the board. The guardians applied to the commissioners, who confirmed the decision of their subordinate. The guardians remonstrated. They stated that for a considerable time their meetings had been open to the rate-payers, who had deep personal interest in their deliberations. No bad effects had resulted from that system; on the contrary, beneficial results had been experienced by the publicity given to their proceedings. In short, the system of open meetings had worked well in every respect. But, nevertheless, positive orders were sent down, that in future the admission of reporters should be discontinued. Whether the point had been definitely settled in that way he was not prepared to say; but he knew that the people of Leicester—the rate-payers—would be much and justly dissatisfied if they were prevented by the commissioners, against the opinion of the guardians, from becoming acquainted with the manner in which the guardians administered the funds committed to their charge. He would further say, that a state of things might soon arise where the Poor-law Amendment Act could not be applicable to the condition of the people of Leicester. Suppose, for instance, that general and deep distress were to visit the working classes of that town chiefly engaged in manufactures, no person who had attended to the administration of the new Poor-law could deny that it was totally inapplicable to meet such a case, where from ten to twenty thousand persons might be thrown upon the poor-rates for relief. It was, then, clearly indiscreet for the commissioners to dictate thus rigidly to the guardians what was best to be done in such a district. He believed that the intentions of the commissioners were laudable; but he could not help thinking that their duties passed upon them in a way that often led them to miscalculate, and he thought that something should be done to give more discretionary power to the boards of guardians, so as to ensure an improved working of the law, and promote a better, a more humane, and a wiser Administration.

Mr. *Liddell* could not allow the present opportunity to pass without saying that he entertained great objection to the prolongation of the powers of the Poor Law Commissioners. He was one of the committee which last year sat upon this subject, and he could not now refrain from publicly stating in the House, that from many material portions of the report of the committee, he did most conscientiously dissent. His objections to the bill brought forward by the noble Lord, were of such a nature, that he might possibly have been prevailed upon to agree to it, if the powers of the central Poor Law Commissioners were to be extended for a year only; but when he found that an indefinite time was proposed, or that at least those powers were to be continued for two or three years longer, according to the duration of Parliament, he could not agree to it. In all the petitions which had been presented from various parishes relative to this subject but one feeling was expressed with regard to the central board of commissioners, and that was the greatest objection, which was felt in all quarters, to the arbitrary and extensive powers of that board. To the continuance of these arbitrary and extensive powers he objected, because they were founded upon that enormous principle of centralization, which, he was sorry to say, was advancing too rapidly to be productive of any good. He saw nothing in that principle as at present attempted to be carried out to induce him to regard it with any other feelings but those of fear and alarm; for it appeared to him very plainly that by this system of centralization the liberties of this country would be gradually undermined and impaired. He had met with a passage in a modern author, whose opinions had some weight with hon. Gentlemen on the other (the Ministerial) side of the House, which he would take the liberty of reading to the House. "Centralization," says he, "is a principle which secures the momentary strength, but ever ends in the abrupt destruction, of states. It is, in fact, the perilous tonic which seems to brace the system, but drives the blood to the head. Thence come apoplexy and madness. Centralization is an excellent quackery for a despot who desires power to last only for his own life, and who has but a life interest in the state; but to true liberty and permanent order centralization is deadly poison." The author was Sir Lytton Bulwer, a Gentleman who enjoyed the regard of the Gentlemen opposite. The Poor Law Amendment Act had placed the concerns of every parish in the kingdom under the dominion of a central board; and when he heard the opinions which were expressed in certain quarters with regard to the continuance of the powers of that board and the increase of stipendiary magistrates, and that immense railway monopoly which threatened to overturn all the present system of the internal communication of the country—for at no very distant period all the railroads were likely to be at the command and under the control of Government—all this made him view the growth of centralization with suspicion and alarm. Another objection which he had to the present bill was, that he thought it was now high time that the unions should be left to govern themselves. He could easily imagine that while so great a change as was effected by the Poor Law Amendment Act was going on, it was necessary to institute a central board of management, and to set up a new machinery to carry out the measure. But now that the machinery had been organised and put into motion all over the country, he could not conceive that the central board was necessary for any good purpose. It might be very well for the Government to devolve on the commissioners all the powers they now have in order to shift off the responsibility of settling disputes that might arise between rate-payers and boards of guardians. But still there was little advantage derived by the Government from that arrangement, for in cases of dispute the central board, like chaos of old, had by their decision only "more embroiled the fray." He thought that in all disputes there would be little difficulty in the Secretary for the Home Department appointing an assistant-commissioner to go and make inquiry, and settle the contested point. It was stated in the report of the Poor Law Committee that they recommended the continuance of the powers of the commissioners "in preference to any system which, by leaving the administration of the Poor Laws without the control and superintendence of a central board, might cause the recurrence of those abuses which existed previously to the passing of the Poor Law Amendment Act." If that argument was valid, there was no reason why they should not advance to the perpetuation of the central board. But what were the purposes for which poor laws were established? First, to protect the infirm, the aged, and the distressed, from starvation and want, by providing relief for them; and, secondly, to protect the industrious rate-payer from exorbitant taxation, occasioned by a wasteful and improper expenditure of the rates levied upon him. There were many parts of the kingdom into which the New Poor Law had been extended without any reference having been had to the state of the population, and he was not aware that the poor were better off now than they were before that law was passed, even though it had led to an increased burden on the poor-rates. When it was said that the continuance of the central board in London was necessary in order to preserve the country from abuses, he begged to ask the House whether the rate-payers having now seen their affairs managed under a better system, and that parish relief ought only to be given to those who really deserved and stood in need of it, he begged to ask whether it was likely that the rate-payers, having the remedy in their own hands, would now consent to any such abuses as existed before the time of the present law? He thought, that the responsibility of the management of their own affairs should be left with the board of guardians, and not be vested in a central board in London. Although the Commissioners and sub-Commissioners gave a different account of these things, yet he begged to say, that he was supported in the opinions he had now expressed by every independent witness who had been examined before the Poor-law Committee. He would undertake to say, that many cases of great cruelty had taken place under the bastardy clauses, and he would state one which came within his own immediate knowledge. It would be remembered, that the Poor-Law Amendment Act exempted from the operation of the bastardy clauses all cases of bastardy in which the children had been born before the passing of the Act. Now, in the case to which he was about to allude, the rules laid down by the board of guardians had completely distorted the spirit and letter of that provision, and had led to a denial of all support to the child. A shepherd in the part of the country with which he was connected had a daughter, who had an illegitimate child a short time previous to the passing of the Poor-Law Amendment Act. She supported her child in her father's house, assisted by a weekly allowance from the child's father, paid through the overseers of the town. After the passing of the Act, the relieving-officer from the board of guardians for the Union in which the child was born, gave notice to the woman, that she would receive no further allowance from the board, and offering to take the child into the workhouse. Now, the child had arrived at the age of five or six years, and had wound itself round the hearts of the mother and its grandparents, and they refused to part with the child. He told them, that in his apprehension the law entitled them to relief from the father of the child; but the guardians refused them their assistance. This was a proceeding of great injustice and severity—it was an abuse of the law; however, the father of the child had been allowed to go scot-free for the rest of his life, and the whole charge of the maintenance would devolve on the grandfather. That was only one out of hundreds of the same kind, and to this abuse he had thought it right to call the attention of the House. He would not trouble the House further; he had done his duty by thus expressing his dissent from the recommendation of the committee, and he was confident that in opposing the further continuance of the powers of the Central Board, he was acting not only in accordance with his own feelings, but with those of a majority of the people of England.

Mr. *Briscoe* intended most heartily and sincerely to support the bill brought in by the noble Lord at the head of the Home Department. The hon. Member who had just sat down spoke of the great powers of the Commissioners as having been most unwisely placed in their hands; but he (Mr. Briscoe) believed, that those powers had been, with few exceptions, most wisely and judiciously exercised, and he was convinced, that unless they had been so conferred, the provisions of the Poor-Law Amendment Act would never have been carried into effect with anything like uniformity. The hon. Member opposite had objected to this law, as affecting the civil liberties of the subject, but he (Mr. Briscoe) contended, that the law could not be viewed in that light. The civil liberties of the people were not affected, nor had the Commissioners power to exercise any sovereign will and pleasure, but were bound to act in accordance with the law. The points of objection to which the hon. Member for Durham had principally alluded were the bastardy clauses. It was true, he had heard complaints made as to the cruelty of those clauses, and upon the hardship on women, but he was at a loss to understand why these complaints should be made. Under the old law had been very great grounds of complaint; he had frequently heard it stated, at the Courts of Quarter Sessions, that the unhappy mother of an illegitimate child was working on the tread-wheel, while her offspring was laid upon a prison bench. This was not the case now, for the present law was, as compared to the former, one of kindness and humanity to these unhappy females, because they and their children were maintained at the public cost, if they had not the means of supporting themselves. If any complaint could with justice be now made, it was that the fathers were not called upon to pay; in short, the rate-payers, on whom the burden was thrown, were the only parties who had any right to complain with reference to these clauses. He was reminded that the noble Lord near him (Lord J. Russell) meant to introduce a clause to meet this objection, and he was sure such a provision would be both wise useful. But he rose principally to express his concurrence in the objections which had been raised by the hon. Member for Leicester (Mr. Easthope). He thought the presents of tea and other comforts to the inmates of workhouses ought not to have been interfered with, and he also agreed in the opinion that the proceedings of the guardians ought not to be held in secret, but that the press should be admitted, inasmuch as the proper administration of the law was a question in which both the poor and the rate-payers were deeply interested. With these exceptions he was inclined to think that the conduct of the Poor-law Commissioners generally was deserving of approbation. The boards of Guardians were very often disposed to throw blame upon the commissioners for that to which they were themselves liable, especially with respect to the treatment of the aged poor. A general opinion prevailed that aged persons were not entitled to any relief except within the walls of the workhouse. Now he contended that that was a matter entirely within the powers of the guardians themselves—he contended they had power to make such an allowance to the aged of both sexes out of the workhouse as they thought necessary. He last year had made particular enquiries both in the borough he represented, and in the Croydon union, as to the number of aged poor relieved out of the house, and the number within the walls. He found in the Croydon union, which consisted of twelve parishes, that there was not a single day passed in which out-relief was not afforded to aged poor, and that the number of aged persons within the house only amounted to two, who were so infirm, so totally unable to assist or take care of themselves, that it was a great boon to them to be kept in the house, where they had the benefit of medical advice, and the attendance of a nurse. When the proper time arrived he should be prepared to state the grounds upon which he thought this measure one of the wisest and most beneficial to all ranks and classes, especially the poor, that ever had been passed, even by the reformed House of Commons.

Sir *E. Knatchbull* thought the more convenient course would have been to allow the order of the day to be read, and then to proceed to the discussion of the merits of the Poor-law Act, on the amendment of which the hon. Member for Sussex (Mr. Darby) had given notice. He (Sir E. Knatchbull) perfectly agreed in the opinion expressed by the hon. Member who had just sat down, that much good had resulted from the existing law, and he believed that as far as the management of the workhouses were concerned, the boards of guardians did their duty satisfactorily.

Mr. *Wilbraham* regretted that the bill had not been introduced at an earlier period of the Session. The Poor-law Amendment Act depended for success on a fair and equal mode of administration, and from that view he gave his support to the present bill.

Mr. *W. Attwood* said, it was his determination to divide the House against any further proceeding with this bill. But he wished in the first instance to ask the noble Lord at the head of the Home Department, whether a report which it was stated in the report of the Poor-law Commissioners was intended to be made upon the subject of the continuance of their powers had been received by him, and if it had, why it had not been laid upon the Table of the House? He wished also to know whether the recommendations agreed to by the committee on the Poor-laws had been adopted and brought into action by the commissioners, because in the report of the commissioners before the House he found no mention made of those recommendations, or that any steps had been taken to carry them into effect. It had been said, that the disposition of the committee had been rather favourable to the Poor-law, and anybody who read the report and the evidence would see that there had been a great disposition on the part of the committee to consider that the commissioners would carry the law into effect with great mildness, and in that view the report had been framed. He was not disposed to say that this was not a judicious disposition on the part of the committee, but on the report of the commissioners which was now before the House he did not find any such inclination manifested by them. The committee had agreed upon certain recommendations as to the course which ought to be pursued by the Poor Law Commissioners, in the first place, one of those recommendations was, that the Commissioners should have the power of increasing or diminishing the size of the unions which existed throughout the country, reference being had to the making access to the board of guardians more easy and convenient to the poor seeking relief. The object of this recommendation was to remove the difficulties in the way of an approach to relief, arising from the distances which the paupers had to go in some instances. In the report of the Commissioners, however, he did not find any allusion made to that recommendation, or that any step with reference to it had been taken. Another recommendation of the committee arose from the fact that large districts for relieving officers had been found not to be desirable; for in some instances those districts were so large that the relieving-officer was not able to attend to the wants of the poor, and the committee accordingly recommended that in rural districts only eight parishes, containing a population of not more than 8,000, and in towns not exceeding 10,000, should be united and left to the care of one relieving-officer. Of this recommendation he saw no mention in the report of the commissioners, or that there had been any reduction in the size and extent of the districts spoken of in the evidence taken before the committee. Again, there had been a recommendation with reference to the extent of the districts assigned to medical officers, with respect to whom the evidence was strong, not only that the remuneration they received was wholly inadequate and insufficient to secure competent skill or proper supplies of medicine, but that the districts were much larger than it was possible any medical officer could give his attention to. Now, it was very essential that all these recommendations of the committee should be acted on by the commissioners, in order to render the administration of the Poor-laws more easy; but, notwithstanding, even these scanty recommendations, calculated to increase the comforts of the poor, had not in the slightest degree been attended to by the Commissioners. Whether those Gentlemen would attend to a mere report of a committee of this House he did not know, but he certainly thought, that it was the duty of those by whom the committee had been appointed, and who were prepared to back their report, to call the attention of the commissioners to these essential recommendations. On these grounds, and as he did not see these recommendations attended to, or any disposition evinced by the Commissioners to adopt any alleviation of the severities of the Act, he was prepared to divide the House against the further progress of this bill. It had been said, that but few aged persons were to be found within the workhouses, but in the house he knew there were none else; there was not a single able-bodied person except one idiot, all the rest being aged and unable to work; and when he found that these were confined within the walls, that they were prohibited from seeing or receiving their friends except on Tuesdays and Fridays, that they were prevented from going without the walls even to attend divine worship, without the special leave of the guardians;—when he saw the rules applied in such a degree of strictness as to be a cruel hardship on those unhappy individuals, he felt bound to come forward on behalf of those who could not protect themselves. He would not detain the House further than to repeat his determination to divide the House on this question.

Mr. *Hindley* wished to ask the right hon. Baronet, Sir E. Knatchbull, whether the statement he had made was not a correct one, and whether the diet of the able-bodied in the workhouse of the Thanet Union was not 6oz. of bread, and 1oz. of cheese, or half an ounce of butter, for breakfast; an ounce more bread for dinner; and the same quantity for supper? He would ask, further, if there was any variation in the diet except suet pudding twice or thrice a-week, and if the only beverage allowed was not water? He admitted the cleanliness and order of the workhouse, and the attention paid to the children; but he had remarked at the time to the board of guardians, whom he did not blame, for they were only instruments in the hands of the Poor-law Commissioners — he had remarked to them, that although he allowed the quality of the food was good, yet the quantities were insufficient for an able-bodied man. He begged, further, to ask the right hon. Baronet, whether he thought it right with the rent of land at 3*l.* per statute acre, to treat the able-bodied poor, who were unable to abtain work, in this manner?

Sir *E. Knatchbull* replied, that the hon. Member was in error when he stated that the land in that neighbourhood was let at 3*l.* per acre. With regard to the other questions put to him by the hon. Member, he could not answer them better than by reading to the House a letter which he had received to-day from the chairman of the board of guardians of the Union to which the observations of the hon. Member had been applied. The letter was as follows:—

"Ramsgate, July 19, 1839. Sir,—Mr. Hindley is reported in the *Standard* of the 16th instant, on the debate on the second reading of the Poor-law Commission Continuance Bill, to have said, 'that in the case of a parish between Margate and Ramsgate the paupers were limited to the starving point.' Now, whether he refers to St. Lawrence or St. Peter I know not, but I deny it in the former parish, and in the latter I can assure you the out-relief is the largest and highest in individual amount of any in the Union. In the name of the board at which I have the honour to preside, I have to request the favour of your taking an opportunity, either when the bill is in committee, or on the third reading, to contradict Mr. Hindley's assertion. In the summer of 1837, Mr. Hindley, when staying at Broadstairs, visited the central house of the Thanet Union (introduced to the board-room by my predecessor in the chair), when the guardians were sitting. After he had very specially inspected the establishment, and more particularly the provision and dietary table, he was invited to make his remarks without reservation: his reply was, that he was more satisfied with the establishment than he supposed he could have been, and that the quality of the provision was good, and the quantity more than he could eat. He then endeavoured to persuade the board it only required moral courage to oppose the orders of the Poor-law Commissioners, and they would succeed. Well, I thought I would put the moral courage of this wise man of Ashton to the test, so I requested he would do us the favour to enter in the book kept for the purpose, his name, the object of his visit, and his remarks. This he declined doing; and why? I think I recollect these to be his words;—'I happen to represent a constituency much opposed to the Poor-law Amendment Act, and if any of them should visit the Isle of Thanet and visit this house, and see entered in this book what I have now stated, it might injure me.' Now, I would ask this valorous legislator where he keeps his moral courage, when he is afraid to record his honest conviction from error? I beg to apologise for intruding thus much on your time, but myself and colleagues feel Mr. Hindley's remarks to be so unjust, that we should be culpably guilty if we did not notice and expose his conduct. I have the honour," &c.

To this letter he should not add any observations.

Mr. *Hindley* said, it was not true that he had stated that the allowance was more than he could eat. On the contrary, he had made the same observations as to the dietary to the board of guardians that he had made to the House. It was true that he had approved of the general order and cleanliness of the establishment, but he certainly had refused to give a written testimony in favour of it on the ground that it might lead to misapprehension elsewhere, and the prudence of his conduct in this respect was now evident from the fact that even the partial approval he had expressed was now attempted to be brought forward as a token of his general approbation of the whole system.

Mr. *C. Lushington* drew the attention of the noble Lord below him (Lord J. Russell) to a peremtory order issued in March, 1838, by the Poor-law Commissioners, to the assistant commissioners requesting them to insist upon the appointment by the board of guardians of chaplains to the workhouses. He wished to know whether the commissioners had power to insist on such appointments being made. A case had been laid, he believed, before the law officers of the Crown, who declared the commissioners had such powers, but added, that the question was at present under the consideration of the Court of Queen's Bench. Had the noble Lord issued any instructions to the commissioners with a view to restrain them from harrassing the boards of guardians with directions to appoint chaplains to their workhouses?

Mr. *Wakley* observed, that the right hon. Baronet opposite (Sir E. Knatchbull) had, with very proper finesse, contrived to divert the attention of the House from the question of the dietary of the Thanet Union workhouse. The right hon. Baronet had read a letter which had raised a laugh—a justifiable laugh he thought—against the hon. Member for Ashton. It was a caution, however, to hon. Members, and would teach them not to have their feelings subdued or their moral courage upset by any attentions or civilities which might be shown them on their visits to these workhouses. The hon. Member for Ashton might not have been able to eat the whole allowance he saw, but perhaps that might arise from his having no appetite at the time. But was the dietary there such as a person was capable of eating? The right hon. Baronet had not stated what was the dietary, neither had it been convenient to the writer of the letter which had been read to inform the House what the dietary was. The truth was, that the allowance regulated by the Poor-law Commissioners was exceedingly small; it was an allowance well calculated to keep down fever; it was not an exciting allowance; the paupers had no beer, but drank water, and lived on gruel. The right hon. Baronet had denied that the rent of land in the neighbourhood was 3*l.* per acre, but he had forgot to say what it amounted to, whether it was 2*l.* 15*s.* or not. The Poor-law Amendment Act was a landlord's measure; it was passed, as everybody knew to depress the labourer to the lowest possible degree. [Oh oh!] Whenever the truth was uttered in this House there were always loud cries of "oh," but if falsehoods were uttered by the hour, there would not be an exclamation. He repeated that the bill had been passed to keep down the condition of the labourers and to raise the rents of the landlords. Was there a man of common honesty who would deny that fact? Had the bill succeeded in doing that which it was said it would effect, namely, raise wages? Certainly not. He repeated his former statement, that the wages of agricultural labourers in the west of England were only 7*s.* per week; that was the sum-total they received for their weekly labour, and they had no collateral advantages whatever. Now, seeing this state of things, was it desirable that the powers of the Poor-law Commissioners should be continued? Had the bill succeeded—had it gratified its supporters by lowering rates? In half of England at least, in that respect, it had not succeeded, while it had taken away from the local authorities the powers exercised by them from the time of Elizabeth up to its passing into a law. It had established a more obnoxious system of plural voting even than Sturges Bourne's Act. In short, this measure was producing, from one end of the country to the other, increased discontent. If the hon. Member opposite divided the House, he should vote with him, although he should not be sorry to see the bill renewed for two years, being certain that they would, at the end of that time, never be able to renew it again. Objectionable as the law was made in its working, and by the conduct of the commissioners, there was no part of their conduct which had produced greater discontent than that of letting out the poor in unions to the lowest medical bidders in point of practice. Would the commissioners let out their horses to the lowest veterinary surgeon who might send in a tender to take care of them? Would they even intrust to them the dogs in their kennel? They would not, but they had done so thoughtless, recklessly, and inhumanly towards the poor. Only let a low tender be made that was calculated to lessen the amount of rates, and it was sure to be received. There had been hundreds of instances where young, thoughtless men desirous of obtaining experience, put in low tenders with a view to improvement by practice; and without reference to the moral character or professional skill and abilities of the candidate, the low rate of tender was held to be a sufficient recognition of the candidate's power to discharge the duties of the office. He could not believe that the House would sanction these proceedings, although the Poor-law Commissioners had done so, notwithstanding the evidence adduced on this point before the select committee last year. Certain new regulations had lately, indeed, been issued by the Poor-law Commissioners, but it remained to be seen if they would be acted upon, and they were by no means perfect. Why should there not be a medical commissioner appointed? ["*Hear.*"] Yes, there had been already one, a medical gentleman, appointed an assistant commissioner, and the noble Lord would bear testimony to his efficiency and zeal. Amongst the assistant-commissioners the most efficient was Dr. Kay, and he would have given even increased gratification if he had been empowered by the commissioners to inspect the medical department. He had, however, no such power, or he would have seen justice done to the poor on this most important point. There was still another matter well worthy of notice, to which he must also beg to direct the attention of the noble Lord. It appeared, that the Poor-law commissioners sanctioned the appointment of relieving officers and the surgeons of unions to the office of registrar of deaths. Observe how this worked. A poor man applied to the relieving officer for relief, he is refused, and dies through neglect. Who registered that man's death? Why, the relieving officer, who by neglect had caused it. Should that be allowed? He hoped the noble Lord would prevent either relieving-officers or surgeons of unions from holding the office of registrar of deaths, for such a system could not work well; it must be pregnant with evil consequences, which only could be averted by the removal of such functionaries from their offices. He should vote against the further progress of the bill, as he would against any measure for the continuance of a system the most tyrannical ever established.

Lord *J. Russell*, though he wished to defer the discussion of the merits of the bill until the order of the day had been read, must make a few remarks in consequence of what had fallen from the hon. Member for Finsbury. With regard to the question of medical attendance, the hon. Member was certainly more efficient than any other Member to express an opinion, but for that very reason the hon. Member ought to be more cautious and guarded in the statements he made. The first intention of the commissioners had been to give the preference to the lowest tender for medical relief. He had, however, several conferences with them, and the result had been, that it was generally circulated, that they did not recommend the adoption of the lowest tender in all cases, nor when there were other offers of superior ability. At the same time it was quite impossible in every case to prevent more regard being paid to economy than skill; but his belief was, that the medical attendance on the poor had been better and more efficiently performed under the Poor-law Amendment Act than it had been before that act became the law of the land. Formerly medical relief had been matter of contract—the poor had been put out to auction at the lowest tender. The hon. Member did right in turning his attention to this subject; but he hoped, that with respect to this important matter the hon. Member would not make statements which might produce in the minds of the poorer classes jealousy and alarm. The hon. Member opposite (Mr. W. Attwood) had asked him a question on the subject of the recommendations of the committee of last year. With respect to those recommendations, he had directed the Poor-law commissioners to furnish him with a report as to the course they suggested for the alteration of the law necessary to carry out those recommendations. The hon. Member seemed to think, that the size of the unions could be altered, and the other changes made, without the consent of Parliament; but it appeared to him, that an alteration of the act was necessary, and he had therefore directed the commissioners to make a report, on which it had been his intention to bring in a bill. This, however, had been prevented by the unexpected interruption in the Session, and, finding it impossible to carry such a measure through, he had requested the commissioners to postpone their report for the present. It was true such a bill might have been introduced, but it would have interfered with the progress of other measures, and the interests of the empire would have suffered by Jamaica and Canada being neglected.

Lord *G. Somerset* looked upon the whole system with regard to medical relief by tender as vicious. The word "tender" ought never to have been introduced. It was for the board of guardians to consider the proper mode of providing that relief. He could not concur in the propriety of having a medical Poor-law commissioner. He must, therefore, deprecate the appointment of Dr. Kay. His opinions with regard to the subjects of wages and of the bastardy clauses remained unchanged; and, while he could not vote with his hon. Friend behind him, he was bound at the same time to state his strong objection to many of the provisions of the Poor-law Amendment Act.

Lord *Worsley* considered it to be of the greatest importance that this bill should pass. It had been stated, that the rates had been increased by the Poor-law Amendment Act, while in point of fact he knew of their having been much diminished in many parts of the south of England.

The House divided:—Ayes 86; Noes 27: Majority 59.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Baines, E.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Bernal, R.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Bruges, W. H. L.
Buck, L. W.
Callagan, D.
Campbell, Sir J.
Clements, Viscount
Craig, W. G.
Dalmeny, Lord
Darby, G.
Eliot, Lord
Elliot, hon. J. E.
Euston, Earl of
Evans, G.
Evans, W.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Freshfield, J. W.
Graham, rt. hn. Sir J.
Hawes, B.
Hill, Lord A. M. C.
Hobhouse, rt.hn.Sir J.
Hodges, T. L.
Hope, hon. C.
Howard, P. H.
Hutton, R.
Knatchbull, Sir E.
Langdale, hon. C.
Loch, J.
Macaulay, T. B.
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Philips, M.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Price, Sir R.
Protheroe, E.
Pryme, G.
Reddington, T. N.
Rice, E. R.
Rich, H.
Rushbrooke, Colonel
Russell, Lord J.
Sandford, E. A.
Seale, Sir J. H.
Sheppard, T.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Steuart, R.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thomson, rt. hn.C. P.
Thornely, T.
Troubridge, Sir E. T.
Verner, Colonel
Vigors, N. A.
Wall, C. B.
Warburton, H.
Wilbraham, G.
Wodehouse, E.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.

Seymour, Lord
O'Ferrall, R. M.

List of the NOES.

Attwood, T.
Baring, H. B.
Brotherton, J.
Collins, W.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, T.
Easthope, J.
Egerton, W. T.
Ellis, W.
Fielden, J.
Fenton, J.
Fleetwood, Sir P. H.
Grimsditch, T.
Hall, Sir B.
Hinde, J. H.
Hindley, C.
Hodgson, F.
Hodgson, R.
Lowther, J. H.
Monypenny, T. G.
Parker, R. T.
Perceval, hon. G. J.
Scarlett, hon. J. Y.
Turner, W.
Wakley, T.
Williams, W.

TELLERS.

Liddell, hon. H. T.
Attwood, W.

Order of the Day read.

Mr. *Darby* rose to propose an instruction to the Committee. He stated, that the noble Lord opposite had not dealt fairly with the House in this matter. They had the noble Lord's distinct admission that some portions of this Act required amendment, and now, without any suggestion of amendment, the noble Lord proposed that the Act be continued in force for a period of two years. Where was the consistency or the justice of this course? In dealing with this subject a distinction had been drawn by the noble Lord, of which he was willing to admit the force. They certainly ought not to confound all the hardships which arose since the introduction of the Poor-law Amendment Act with the particular hardships arising from the new system. He did not intend to enter at any great length into the evidence taken by the commissioners. He should rather apply himself to the practical difficulties of the case. He would cite one instance detailed in the evidence, which was particularly illustrative of the system. A pensioner, who described himself as perfectly willing to go to Canada, or to any of our other colonies, stated to the commissioners both the amount of his expenses and his earnings, specifying how he was employed, and that in fact he was never idle. He had married under the old Poor-law, and had a large family, for which it was impossible with his narrow income to provide. When he married under the old law, he expected a reasonable allowance to assist him in maintaining his family; and said, that if the commissioners would provide for so many of his children as he was unable with his income to support, he would be satisfied to provide himself for the remainder. This was one of those numerous cases of hardship of which he thought that he had a reasonable right to complain. Parties marrying under the old system obtained an adequate amount of relief. But the reduction of wages having occasioned a considerable diminution of their income, and their families becoming much enlarged, with the prospect held out to them at present, their state became wretched and helpless indeed. If they desired to obtain relief under the present system, they must consent to break up their establishments. If they required relief for the maintenance of one child only, they must all go into the workhouse. The cottage and furniture must be sold. In the workhouse alone would any relief be conceded. Now let him refer to the expectations held out upon this subject by Lord Althorp upon the introduction of the new Act. In reply to a question from the hon. Member for Salford. Lord Althorp stated, that "it was contemplated in the process of time to introduce the system of administering out-door relief—a system which he believed might ultimately be found to work advantageously." What had become of this declaration? With respect to the continuance of this bill, which the noble Lord said that he did not regard as permanent, he was certainly of opinion, that as they tested it by experience, they must by degrees make the experience thus acquired the subject of enactment, otherwise the Poor-law Commission must be permanent. There had been bills introduced into that House, giving the Poor-law Commissioners duties to perform which looked very like permanent duties. With respect to the origin of the Poor-law Commission, his idea was this:—Very great evils had arisen from the maladministration of the Poor-laws. In many instances the overseers were found to be totally incompetent to discharge their important duties. In many other cases, however, the overseers were found to be fully competent. But, as they had no certainty as to the general competency of the persons who would be called on to carry out the provisions of the Poor-law Amendment Act in practice, it was found to be advisable to have recourse to a Poor-law Commission. By introducing, however, gradually an improved system of management, they might ultimately be enabled to conform to what appeared to be the intention of the noble Lord, and get rid of the Poor-law Commission. It was necessary to make some provision for those who had married, calculating upon the relief afforded by the old system of Poor-laws. All the plans which had been hitherto devised for their relief had proved insufficient for the purpose. The scheme of sending the poor into manufacturing districts had entirely failed. Emigration to Australia was limited by the amount of capital employed in that settlement, for the principle acted upon was this—that pauper emigration should not be carried to such an extent as to furnish more labourers than there was capital enough to employ. That was a very proper principle; but the result of it was, that the number of paupers sent out bore no proportion worth considering to those who remained. There was another circumstance to be taken into consideration, and that was, that in agricultural parishes a greater number of labourers was required in summer than in winter, so that if all those were sent away for whom there was no employment in the winter months, there would not remain a sufficient population to do the work of the country. What was, then, to be done with respect to those who could not be employed in the winter? Ought the poor man to be forced to leave his home and go into the workhouse, when he only needed relief for a portion of the year? It was said, that this evil would correct itself, but he was not one of those who looked upon the population of this country as a piece of machinery devoid of passions or feelings. And what proved that he was right, was the fact which had been already adverted to, of wages not having risen since the passing of the Poor-law Amendment Act. Take the case of a labouring man who had married, relying upon the provision made under the old system, and who had six children; the smallest sum upon which such a family could be supported for a week, allowing them five gallons of flour and other necessaries in proportion, would be 15*s.* Now, from the circumstance which he had already mentioned, it would not be fair in estimating the earnings of such a family to go by the wages of any one week; but taking the whole year together, and supposing the average weekly earnings to be 12*s.*, which would be by no means a low estimate, there remained a deficiency of between 7*l.* and 8*l.* a-year. This was the amount of the relief of which the industrious poor man found himself suddenly deprived by the operation of the present Act. What had been the effect of the extreme suddenness with which this small assistance had been cut off? Why, for a time families had run in debt, but when at length the shopkeeper, finding the relief stopped, refused to give further credit, whole families were obliged either to go without the common necessaries of life, or to forsake their homes and go into the workhouse, when they merely required assistance for two months, or less, in a year. He certainly knew instances where families had preferred the former of these alternatives, and he did say, that very great credit was due to them for the peaceable and quiet way in which they had struggled through with it. The great mischief of the present system was, that it made no difference between the industrious and idle, although the want of such a distinction was the principal complaint against the old Poor-law. It was said to be right to make people act prudently and look beforehand, but how did that argument apply to those who had depended, as they had a right to depend, upon the provisions of the former law? Were they to be forced to leave the homes in which they had dwelt for years, from father to son, and to which, humble as they were, they were attached? He could not blame their attachment—he respected such a feeling. He was glad they had it. Were they, by the provisions of this *ex post facto* law, to be forced into the workhouse, which perhaps they might never be able to leave? He only wished to provide a remedy for these practical evils, and it was with this view that he meant to move an instruction to the committee, in order that if his clause were not agreed to, some other might be framed for the same purpose. The hon. Member concluded by moving an instruction to the committee to insert a clause in the bill enabling the guardians to relieve persons who had married before the passing of the Poor-law Amendment Act and had families.

Mr. *F. Maule* opposed the instruction, which would open a discussion of one of the main questions upon the Poor-law Amendment Act, that Act might, no doubt, be improved in many of its provisions, but it would be much better that the improvements should be contained in one Act, and not be introduced piecemeal.

Sir *E. Knatchbull* said, he very much regretted that a question of such great importance should be discussed in the absence of her Majesty's Ministers. He did not mean to deny that the hon. Gentleman who had just spoken was a fit representative of the department to which he belonged, but he could not avoid saying—without, however, intending anything in the least degree invidious—that on a great question of this kind the Government of the country ought not to be absent. In the motion which had been submitted to the House by his hon. Friend the Member for East Sussex he fully concurred. The question was simply nothing more nor less than this—were the Board of Guardians to be intrusted with any discretionary power of giving out-door relief, or were they not? He perfectly well understood why the power was withheld when the Poor-law Amendment Act was first introduced, and when the Government was, perhaps, justified in considering it necessary to pass a measure of an arbitrary kind. But that necessity, if so it might be called, no longer existed, and experience had shown then that that principle might be relaxed. He was of opinion that the general principle of the Poor-law Amendment Act had succeeded, and that it only required certain modifications to render it less oppressive and more palatable to the country; but he was likewise of opinion, those were the decided enemies of that Act who resisted those just and reasonable ameliorations. He would ask hon. Gentlemen who were conversant with the subject, whether cases were not constantly occurring on which there could be no second opinion as to the propriety of permitting the Board of Guardians to afford relief upon their own discretion? Nay, were not cases daily submitted to the Poor-law Guardians, in which they took upon themselves the responsibility of giving relief contrary to the law? Nobody knew exactly how it was given, but given it was. He had himself not long since questioned a Poor-law Guardian on the subject of the administration of the Poor-law, who said to him in reply, "Oh, it's the best bill that Parliament has for a long time passed;" and, on asking him why he thought so, if he found no difficulty in the provisions of the law, or in enforcing the order of the Commissioners, his answer was—"Oh, not the least difficulty about the provisions of the law, because we don't follow the directions of the commissioners. If we were to do so, it would not be possible to carry the measure into operation. The fact is, we modify the orders of the commissioners as we think right, for otherwise we could not get on." Now, if this were true, why should the Government refuse to affirm the practice by making it the law? He believed it was known too, that in many instances in which out-door relief was applied for under peculiar circumstances, the answer had been, "We cannot give you relief, it is contray to law, but we will give you a loan"—well knowing at the time that the loan would never be repaid. Now, was that the way in which the provisions of a bill ought to be carried out? The law, he contended, ought either to be enforced, or it ought to be changed and amended. He would just mention a case that came within his own knowledge in the county of Kent. In the depth of last winter, a man, having a wife and eleven children, (only three of whom were employed), and who was at the time earning but 13*s.* 6*d.* a-week, received assistance under the sanction of the Board of Guardians to the amount of 1*l.* 13*s.* 2*d.* When the accounts were placed before the auditor, he refused to allow that sum, on the ground that it was unauthorized by the law; so that, although the Board of Guardians had made the order for that small sum of money, which they felt it their duty to do under the circumstances of the case, the commissioners decided that the relieving officer was not bound to pay it, and so it stood a debt against the poor man. He would not enter into the general question of the law. He was prepared, upon these grounds, to support the motion of his hon. and learned Friend, and he earnestly hoped, if he were obliged to postpone it, that it would be fully discussed early next Session.

Mr. *E. Rice* would support the instruction moved by the hon. Member for Sussex, and he hoped that it would not be postponed till the next Session. It was extremely advisable, he thought, that the administration of the law should be rendered as uniform as possible. He was decidedly of opinion, that a discretionary power of giving out-door relief should be conferred upon the poor-law guardians.

Mr. *Wodehouse* said, it appeared that four-fifths of the relief at present afforded under the Poor-law Act was out-door relief; and that instead of that circumstance giving cause for regret, he regarded it as a source of very great gratification, for it at once showed that the workhouses were not so generally resorted to as at first, and that no one had a desire to resort to them, unless under a very pressing necessity. He much regretted, that there was now as much necessity as when the Act was introduced for impressing upon the minds of the commissioners, and everybody connected with the administration of the Act, the principle of carrying it into effect with as little a degree of pressure as possible. He would support the motion for an instruction the Committee.

Mr. *Briscoe* would not vote for the

clause at the present moment, because he firmly believed, that the Poor-law commissioners had full power, under the existing law, to carry into effect the provisions of that clause, and the wishes of the hon. Member. According to his interpretation of the Poor-law Amendment Act, that was his conviction. The clause of the hon. Member involved two propositions—first, that relief should be given out of the workhouse to widows having families; and, secondly, to able-bodied persons who had married previous to the passing of that Act, and who were not able by their industry to maintain their children. With reference to widows having families, he could state, from his own personal experience, that a great deal of hardship did frequently occur from relief not being afforded; but in three or four such cases in which he had himself made application to the board of guardians to obtain relief for widows having children, his applications had been complied with and relief afforded. He believed, that no case of unusual distress had ever been made out, nor any application made to the Poor-law commissioners for a relaxation of the general rule, and to authorise the board of guardians to give relief, under peculiar circumstances, to able-bodied labourers with large families, unable to obtain work in seasons of unusual severity, where the application had been refused. Believing, therefore, that the commissioners had already full power, with every disposition to carry the object of this clause into effect, he should, though agreeing in many of the statements made by the hon. Gentleman (Mr. Darby), feel himself called on to vote against his instruction to the Committee. He could not sit down without saying, that he particularly approved of relief being administered in some cases by by way of loan. In an union with which he was connected there had been no less than seventy cases of loan, in fifty-five of which the sums had been faithfully repaid.

Mr. *Freshfield* said, the bill immediately under consideration was, merely to continue the powers of the commissioners under the Poor-law Amendment Act for one year, and they were now going into the whole discussion of the administration of relief, and the principles by which it should be regulated. With all anxiety for a proper opportunity to discuss that question in all its bearings, without, at the same time, any prejudice against the bill, rather with a sincere desire of seeing it carried into effect as a great improvement of the old system, but convinced, that in order to its successful administration, they should endeavour to relieve such parts as were more stringent than the necessity of the case required, he felt considerable difficulty as to the vote he should give, and anxiously wished his hon. Friend to consider whether it would not be more convenient to withdraw his proposition altogether for the present. Nothing could be more cruel than to restrict all relief to the workhouse, except in such cases where the parties had been married before the passing of the Poor-law Amendment Act. That, he apprehended, would be the inevitable operation of this clause; whereas the recommendation of the Committee left relief open to widows with large families at an early period after the death of their husbands, without reference to the precise date of the marriage. If driven to the necessity of voting, he should reluctantly support the instruction.

Mr. *Aglionby* was a sincere and constant friend of the Poor-law. He totally repudiated the assertion which had been made today by the hon. Member for Finsbury, that it was a landlord's bill, intended for the benefit of the landowner, and not the receiver of the rate. On the contrary, he believed it had done much to ameliorate and improve the condition, both moral and social, of the poor in this country. No one was more disposed to admit, that everybody was entitled to receive a full remuneration for his labour; but that would be the greatest curse with which this country could be afflicted, which, instead of leaving the labourer dependent on his own resources, would teach him to rely only for assistance on the hard earnings of his more industrious and scarcely more opulent neighbousr. Such, he believed, had been the effect of the old system, and in that respect the New Poor-law had produced a very great improvement. He was anxious that it should have a longer trial, and he should support the instruction which had been moved, because he was convinced it would tend materially to conciliate public feeling in behalf of the measure. He believed there never was any act of the Legislature which had been so unfairly treated. It had encountered the opposition of many in that House and out of doors, some acting on conscientious principles, and others from interested motives. It had been the unceasing object of attack in one of the most powerful organs of the public press, and even on the hustings it had not unfrequently been made a topic of party discussion—a circumstance which all parties in that House could not fail to regret, seeing that at the time it was introduced, Whigs, Tories, and Radicals had more unanimously concurred in its approval and support than with respect to any other measure within the range of his recollection. Still, he felt that a relaxation would be beneficial to the operation of the bill. Nor was this the only relaxation which he wished to see adopted; but as the noble Lord had stated that it would be impossible at that late period of the Session to go into a discussion of the other amendments which were proposed, and which he hoped would be brought forward at an early period next Session, he should vote for this clause, as an instalment, and rest satisfied till he could get something more.

Lord *J. Russell* said, if he believed that this clause would tend to promote the beneficial operation of the Act, he should readily have adopted it; but entertaining very great doubts whether its introduction in the manner proposed would not lead to the breaking down of the improvements already effected by the Poor-law Amendment Act, he felt himself compelled to resist the instruction. He did not wish now to argue the question with respect to widows having families; but such persons deprived suddenly of the means by which their families had been supported, should be considered as having peculiar claims for relief. But with respect to able-bodied labourers, without saying, that it would be impossible to devise some provision which should have the effect of this clause, he had never seen one with which he was entirely satisfied. Let the House consider what was one of the chief evils—he might call it the chief evil—of the former system: it was, that instead of a labourer receiving wages for his labour like an independent man, he received part in wages from his employer, and part in the shape of alms from the parish. To propose at any time, that part of the maintenance of a labourer's family should be paid either by the parish, as formerly, or by the guardians, would in a great degree be making the labourer dependent on charity. The right hon. Baronet (Sir J. Graham) had stated, that the greatest disposition existed in different districts, where there was any chance of being assisted by funds derived from rates, to throw the labourer, who would otherwise have been employed, on the rates to be paid by other parties than those who had their labour, to be paid, in short, by charity, not by wages. It was proposed, to avoid this evil, that the relief should be restricted in kind to those who were married before the passing of the Act. He would not say there was not very considerable hardship in the case of those labourers who were encouraged to marry by the vicious administration of the old law; but, at the same time, when they wished to introduce a more uniform system, he must ask the House where would be the uniformity of one labourer receiving part of the maintenance of his family regularly paid from the parish to which he belonged, whilst his next door neighbour, a labourer equally poor, was refused any part of that relief, because he married a month later? Would that be uniformity, and, in practice, would it not lead to great discontent? The hon. Gentleman who proposed this amendment in the view of rendering the operation of the bill more satisfactory, and others who agreed with him, would find, that they had nearly drawn, if not an arbitrary, at least an inconvenient and unsatisfactory distinction between the labourers married before and since the passing of the Act. The House should also consider whether, if they made such a concession, it would not be probable that many of the evils and abuses of the old system which the new law was passed to remedy, would not again flow in upon them more quickly, and to a much greater extent, than they could all at once foresee. The refusal of all out-door relief to the able-bodied labourer would, no doubt, in some cases, be accompanied with very considerable hardship. It was the intention on the 1st day of June, after the passing of the Act, to declare that all relief to the able-bodied labourer should cease; but it was found that could not be done; and it was thought expedient that the Commissioners should have the power of carrying it into effect from time to time as they best could. But this clause would create a still further distinction and throw additional difficulties in the way of accomplishing that object. He did not preclude himself from considering other amendments which might hereafter be proposed; but, considering this a very dangerous proposition to be introduced in a bill which did not propose the amendment of the New Poor-law Act, and which did not go into the whole subject, he should vote against it.

Sir *J. Graham* confessed he felt considerable difficulty in making up his mind as to the course he should pursue; and if the noble Lord had stated positively that he should be prepared to resist next Session the amendments which might be proposed, he should have voted against him. He willingly shared with the noble Lord the responsibility of this measure, because he was quite satisfied, that, upon the whole, it had not been more beneficial to the rate-payers than to the independence of the labourer. It had encouraged the industrious, while it secured to the really destitute those advantages of relief which were formerly enjoyed by the idle and vicious. At the same time the working of the measure had established, that in certain particulars, it had borne with hardship on some meritorious classes. He particularly alluded to widows left with large families, suddenly deprived of their husbands, not perhaps advanced in life, but struck to the earth by some unexpected blow. To compel such at once to remove from the cottage to the workhouse, when, by a little support for a short time, they might, by industry, be enabled to maintain their families in independence, would be cruel in the extreme. The practical working of the measure had also proved to him, that in times when provisions were dear, when the demand for labour was slack, and families large, relief must, at times, in special cases, be given to the able-bodied man. He had been chairman of a board of guardians—he had seen the practical working of this measure—having for four years watched it with the greatest possible anxiety. In the Union with which he was connected there was a large body of hand-loom weavers, and he did not hesitate to say, during the last winter it would have been utterly impossible to have conducted the affairs of that Union without relief, though sparingly administered, and with great caution, to the able-bodied labourer. The noble Lord said what was true, that there was very great danger lest the administration of relief, even in such special circumstances, and in kind, should relapse into all the evils of the former system. The law contemplated, that on a given day the refusal of out-door relief throughout England and Wales should be general; when the commissioners of Somerset-house came practically to consider the prudence of carrying out this regulation, the inquiries they made, and the experience they had acquired, taught them the impossibility of giving general effect to the law. Uniformity was desirable. This rule prohibiting the administration of out-door relief, so far from being general throughout England, was, he must say, somewhat capriciously applied. It was applied to certain Unions in the South, but in the North the rule was not in operation. In Cumberland, in the Union of which he was Chairman, they were bound by no such regulation. An ample discretion was left them; they were not fettered in the least; and if they had not been left to the exercise of this unfettered discretion, he was bound to say he should not have held himself responsible during the last winter for the conduct of that Union. He did think, if his hon. Friend pressed his motion, his feelings would lead him to support it; but he foresaw the necessity of bringing, at the very commencement of next Session, the whole of this question, and especially the report of the committee over which his hon. Friend had presided with so much care and impartiality, under the careful consideration of the Legislature. Upon the whole, with much hesitation, and after considerable doubts, he had made up his mind to support the noble Lord. He was quite satisfied, that, in particular districts, and under peculiar circumstances, it would be found impossible to enforce the rule against out-door relief in its full extent; and as the noble Lord was, according to his (Sir J. Graham's) understanding of the latter part of his speech, prepared to admit, that particular circumstances might arise of such a nature as to make it expedient to bend the rule, and, thinking that the whole subject must early come under the attention of Parliament, with much hesitation and reluctance he had come to the conclusion, that it was his duty to vote with the noble Lord.

Mr. *Baines* felt disposed to adopt the course of the right hon. Baronet (Sir J. Graham), under the influence of the same feelings. Trusting, therefore, that the rule would be relaxed in proper cases, he would support the noble Lord. In the manufacturing districts with which he was acquainted, it was quite impossible that they could, by any means, carry into effect the denial of all out-door relief. Circumstances occasionally occurred there which threw 400 or 500 persons in a single parish out of employment. In such cases could they enforce the rule; or were they prepared to build new workhouses enough to carry it out? But, in fact, the consequence of the impossibility of carrying out the rule in these districts had been, that in many Unions with which he was acquainted, there was not withheld from the poor any relief which it was judged fitting and proper to administer in the circumstances of the case. After a very diligent investigation he could say, that he found it, upon the whole, to be a beneficial law towards the poor; and that if one-half the pains had been taken to aggravate the public mind against any other object on which the public mind was capable of excitement—as, for instance, against power-looms—that had been taken to aggravate it against the New Poor-law, the consequence would have been, that, ere this, not a power-loom would have been to be seen in the country.

Mr. *Acland* should vote against the instruction of the hon. Member for East Sussex, because he considered the speech of the Home Secretary the best security against any improper use of this rule by the Commissioners. With respect to the imputations which had been cast upon hon. Members on his (the Opposition) side of the House, of having dealt unfairly with respect to the Poor-law question, for party purposes, he must say, that such imputations, to the best of his belief, were wholly undeserved; for no law ever had a larger share of the support of men of all parties, for the purpose of securing its working duly. He believed that much of the dislike felt to it, arose from the peremptory orders of the Commissioners having been in some cases too hastily and inconsiderately issued. The Wellington union furnished an example. There the Chairman of the Board of Guardians, a reverend clergyman, had resigned in consequence of the manner in which these peremptory orders were sent down; a second chairman had subsequently resigned for the same reason. Believing that the rule against out-door relief would be mildly administered during the ensuing winter, he should vote against the clause.

Mr. *Easthope* should support the motion, because he hoped that the whole question would be brought under the consideration of the House at the earliest possible moment. With respect to what had fallen from an hon. Member, to the effect that 15*s.* a-week was the average rate of wages in the county of Kent, he regretted to say that that was a high average. In Leicester, he feared that where 20*s.* a-week was formerly the average amount, now the poor artisan was doomed to work for ten, twelve, or even fourteen hours a-day, for 10*s.*, or even less a-week. He hoped that when next the abolition of the Corn-laws came to be discussed, hon. Members would not fail to notice the important bearing of this and similar facts upon that question.

Mr. *Pakington* objected to a question of this important kind being brought forward on a Saturday morning. With respect to widows with large families, he believed, the Commissioners had never issued any order to send a widow with a large family into a workhouse, and never would issue such an order. A fear had been expressed by the right hon. Baronet, (Sir J. Graham) that if the principle of the clause were extended it would lead to a relapse into the old system. But he could not think that. With some reluctance, however, he had made up his mind to support the clause, but he begged that in doing so, he might be distinctly understood as being favourable to the principle of not extending relief to able-bodied labourers out of the workhouse. In fact, he considered this to be the main principle of the new Poor-law, and to involve the questions of whether the British labourer shall be independent, and whether the wages of an able-bodied man shall be sufficient for his subsistence. Closely connected with this question of withholding relief from the able-bodied labourer out of the House, was a remark of the hon. Member for Finsbury, whom he, (Mr. Pakington) much regretted to hear using such language as he had used this morning. He believed that the hon. Member was actuated by motives of benevolence, but he did very much regret that the hon. Member should say, that the Poor-law was passed with a view to elevate the master rather than the labourer. What was the case of the labourer before the Poor-law passed? His independence was gone; his moral feeling was gone. He thought, however, that the Poor-law

Commissioners had been too hasty in introducing these orders into such districts.

Mr. *Hodges* should vote for the clause. He begged leave to suggest to the noble Lord that the New Poor-law auditors had received such stringent instructions from the Commissioners that it was quite impossible for them to depart from them so as to admit of any material relaxation of the rule as to out-door relief. It would, therefore, he apprehended, be necessary to review the orders sent to the auditors in certain parts of the country. With respect to the question of wages, he believed that 12*s.* a-week was more near the average throughout the country than 15*s.*, as had been stated.

Sir *B. Hall* did not understand that any relaxation would be made in the strictness of the rule against out-door relief during the ensuing winter. He thought, at the same time, it was very desirable that there should be no doubt as to the intentions of her Majesty's Government in this respect; because, from the present state of the money market and of trade, it was very likely that the pressure in the winter would be great. But he did not understand from the noble Lord's speech that any relaxation of this kind was promised. It would be very satisfactory to the House and to the country that they should have the noble Lord's assurance on the subject. With respect to the question of wages he might mention, that it was expected that the New Poor-law would raise the rate of wages; but experience, he thought, had not justified this anticipation. In the county of Monmouth, and in another county with which he was connected, agricultural wages were just what they were before the passing of the Poor-law Amendment Act.

Mr. *Darby* said, the tone and substance of the discussion that day convinced him that he was justified in bringing forward his motion; and he must say, he should have been very sorry to have brought forward a motion which was offensive to the House; but he had not stirred the question without great deliberation and after communication with the noble Lord, with a view of getting the object of his motion effected at once by the Government; and when he found that Government were not willing to do anything, for which he did not blame them, he had resolved to bring the matter before the House.

The House divided on the instruction:—Ayes 69; Noes 49: Majority 20.

List of the AYES.

Aglionby, H. A.
Attwood, W.
Attwood, T.
Baring, H. B.
Barrington, Viscount
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Callaghan, D.
Cochrane, Sir T. J.
Collins, W.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, T.
Easthope, J.
Eastnor, Viscount
Egerton, W. T.
Eliot, Lord
Ellis, W.
Euston, Earl of
Fielden, J.
Finch, F.
Fleetwood, Sir P.
Freshfield, J. W.
Gaskell, J. Milnes
Gordon, hon. Captain
Grimsditch, T.
Hall, Sir B.
Hawkes, T.
Heathcoat, J.
Henniker, Lord
Hindley, C.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Irton, S.
Kemble, H.
Knatchbull, Sir E.
Langdale, hon. C.
Liddell, hon. H. T.
Lowther, J. H.
Lygon, hon. General
Morris, D.
Packe, C. W.
Parker, R. T.
Perceval, hon. G. J.
Philips, M.
Pryme, G.
Rice, E. R.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Scholefield, J.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stuart, Lord J.
Turner, W.
Vigors, N. A.
Walker, R.
Williams, W.
Wodehouse, E.
Wood, Colonel
Worsley, Lord

TELLERS.

Darby, G.
Pakington, J. S.

List of the NOES.

Acland, T. D.
Adam, Admiral
Baines, E.
Barnard, E. G.
Barry, G. S.
Bridgeman, H.
Briscoe, J. I.
Campbell, Sir J.
Craig, W. G.
Elliot, hon. J.
Evans, W.
Fitzroy, Lord C.
Gordon, R.
Graham, rt. hn. Sir J.
Hawes, B.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hoskins, K.
Howard, P. H.
Loch, J.
Macaulay, T. B.
Macleod, R.
Morpeth, Lord
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Parker, J.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Price, Sir R.
Redington, T. N.
Rich, H.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Smith, R. V.
Stock, Dr.
Strutt, E.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Wall, C. B.
Wilbraham, G.
Wood, G. W.

TELLERS.

Stanley, E. J.
Maule, hon. F.

Lord *J. Russell* said, that the carrying that instruction to the Committee was a matter of such importance, that he should not be justified in saying what course he should pursue, without further consideration, and he should therefore wish to postpone the Committee till Monday.

Committee postponed.

FACTORIES.] House in Committee on the Factories Bill. Amendment proposed.

Mr. *W. T. Egerton* thought it unfair that the silk manufacturers should be brought under the operation of this bill all at once, without its having been submitted to their consideration.

Mr. *Baines* thought it desirable that the bill should be suffered to stand over to another Session, when they could discuss it with more deliberation than it was possible to do now. He was persuaded, that this legislation, which was to be final, would give satisfaction to no party.

Lord *G. Somerset* hoped the bill would be proceeded with this Session.

Sir *J. Graham* wished that an opportunity should be given to the manufacturers in remote parts of the country to see the bill as amended. It would be for her Majesty's Ministers to consider whether, at so late a period as that, they could proceed with so important a measure. He thought it ought not to be proceeded with till the manufacturers in the distant parts of the country had had an opportunity of considering it.

Mr. *F. Maule* thought it advisable that the bill should be proceeded with this Session. The manufacturers generally were anxious for a bill settling the law; and from the opinions he had heard respecting this bill, he believed they generally did not object to it. With regard to the introduction of silk and lace manufactories into the bill, that was an amendment which the noble Lord, the Member for Dorsetshire, had proposed; and he, (Mr. F. Maule), thought, that it would be better perhaps to postpone the operation of the bill on them till next Session, because, hitherto those branches of manufactures had not been included in the Factories' Bill.

House resumed.

Bill reported with amendments. Committee to sit again.

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HOUSE OF LORDS,

Monday, July 22, 1839.

MINUTES.] Bills. Read a first time:—Timber Ships; Cathedral and Ecclesiastical Preferments; Assessed Taxes Composition.—Read a third time:—Soap Duties Drawback; Indemnity.

Petitions presented. By Lord Redesdale, and the Bishop of London, from Haddington, and other places, for Religious Instruction in Scotland.—By Lord Lyndhurst, from the Corporation of Dublin, against the Municipal Corporations (Ireland) Bill.—By the Earl of Roden, to the same effect.—By the Duke of Richmond, from Huntley, for a Uniform Penny Postage.—By the Earl of Stanhope, from a parish in Cumberland, for the Repeal of the New Poor-law.

RIOTS AT BIRMINGHAM.] The Duke of *Wellington* seeing the noble Viscount in his place, would ask him whether or no, when he stated to the House on Thursday last that the conduct of the magistrates of Birmingham, in reference to the riots that had taken place there, was to be inquired into, he was in possession of any information respecting the letter from Mr. Hebbert, who had written to the Secretary of State for the Home Department, on behalf of certain inhabitants of Birmingham? [Viscount *Melbourne*.—No.] Then it would be necessary for him to call the attention of their Lordships again to the subject, in consequence of the manner in which he had been misrepresented in another place and out of doors, as to what he had stated to the House last week. He had been accused of exaggeration. It might be a Parliamentary phrase; he would not presume to decide that it was an unparliamentary term, but he believed it was a term not much used among gentlemen. It was used, however, in a privileged place that must be nameless, and he should advert to it no more than to notice the conclusions which might be drawn from the use of that term in reference to what he had said. He trusted their Lordships would excuse him for troubling them for a few moments upon this subject, because he really thought he had been most unjustifiably made the subject of personal attack for what he had said in their Lordships' House in respect to the late riots at Birmingham. What he had said was founded on the same amount of information which it appeared was in possession of her Majesty's Government; for neither the noble Viscount nor any other of the noble Lords opposite knew any more of the subject than he did; they knew nothing beyond what they saw in the newspapers, and he stated at the time that he knew nothing beyond that himself with respect to the facts. But he had compared the transactions at Birmingham with certain other transactions of which certainly he had more knowledge than most other noble Lords in that House —matters of which he had a certain and positive knowledge, and he had said, and he firmly believed that it was true—and that in making the comparison he had not in the least degree departed from the truth, that the peaceable inhabitants of the town of Birmingham were worse treated upon that occasion than the inhabitants of any town he had ever known or seen taken by assault. That was what he asserted, and that was the fact, according to his opinion. He would tell their Lordships how it was the fact. In the first place, the town was plundered, the houses were plundered; secondly, four houses were stripped and set on fire; and thirdly, the houses were gutted; that was a term which perhaps many of their Lordships did not understand, but he explained what he meant by it on the first occasion he had used it—the furniture was taken out of the house by the mob and placed in the middle of the street, and there destroyed by fire, and then the burning embers were carried into the houses in order to complete the work of destruction. Those were the facts upon which he had grounded the comparison he had made; and he would now state and affirm again, that he had never known a town taken by storm, he had never seen a town taken by storm, so treated as the accounts from Birmingham stated, that that town had been treated. So much, then, for exaggeration. Exaggeration? Yes, that was the term which had been applied to him. He was the person charged with exaggeration for having made that comparison. He could not help thinking, that it was most extraordinary, that in the year 1839, after nine years of liberal government, after nine years' enjoyment of the blessings of liberal government, their Lordships should be discussing whether or not the amount of destruction completed in a peaceful town in her Majesty's dominions was equal to the mischief done to a town when taken by storm. And yet that was clearly demonstrated. It was clear, that in peaceful, happy England, which had carried on a war for 22 years, and which had made the most extraordinary efforts to maintain that war, and had carried it on with circumstances of glory and success in all parts of the world, in order to avoid these miseries, as it was hoped, so that no such mischiefs might ever approach her shores —in this same happy and peaceful England, after nine years of liberal rule, here was a town plundered and its peace destroyed; and yet he was accused of exaggeration, because he said he never knew any town taken by storm to be so ill-used as this one town had been. He confessed he was not at all surprised at the conduct of the noble Lord who had so liberally applied the term "exaggeration" to what he had said, when he reflected who were the followers and supporters of that noble Lord. But he was now about to call the attention of their Lordships to certain documents connected with this subject. He begged their Lordships to recollect that the town of Birmingham in the course of last year had a charter granted to it by the noble Viscount's Government. After the grant of the charter, the noble Viscount thought proper to go a little further, and made a grant to the corporation of what was called a Quarter Sessions and a bench of justices. Now that grant was made in January last, and he begged their Lordships to recollect the date. It was well known that at the time the body called "Chartists" were moving through the country. Arms were purchased by them—pikes and all sorts of dangerous weapons were in the course of being manufactured, and there was a good deal of terror and alarm pervading the country with respect to these bodies of Chartists. The Government at that time exhibited some intention of going further, as he had already stated, by granting Quarter Sessions. At that period a large number of gentlemen residing at Birmingham presented a memorial or address to her Majesty, in which, among other things, it was stated, that the Government had been pleased, under the authority of an Act of Parliament passed in the 6th year of the reign of his late Majesty King William 4th., to grant a charter of incorporation to that town; that in pursuance of the provision of the said charter, an election of town-councillors for the different wards had recently taken place, in the course of which much asperity and party feeling was manifested; that the election terminated in the return of persons of extreme political opinions to the exclusion of all persons of moderate principles; that the memorialists were informed that it was intended to form a Quarter Sessions in Birmingham, and do away with the jurisdiction of the county magistrates within the borough. The memorialists, represented that the administration of justice had hitherto been intrusted to justices of the peace for the county of Warwick, of whom there were eighteen gentlemen of all political opinions, all residing within the distance required by the Municipal Act, and who had been selected from men of the best reputation, being persons who were most worthy of the confidence of the inhabitants. Those gentlemen had been found most amply sufficient for the proper administration of justice. The petitioners most humbly represented further, that it was most important to keep the administration of justice free from every imputation of party bias, particularly in a town large and populous like Birmingham, where manifestations of public feeling had frequently been carried to a lamentable extent. They, therefore, prayed that the Royal prerogative would be exercised in the appointment of justices of the peace for the borough from among those only who at that time discharged the duties of justices of the peace for the county of Warwick. That memorial was presented immediately after the granting of the charter, and the noble Viscount had those statements before him. Still the Government had thought proper to advise the appointment of a great number of magistrates, three or four of whom only had been magistrates before, the majority having been selected or recommended by the town council. He refrained from animadverting on the conduct of the magistrates; he spoke only of the conduct of the noble Viscount. He entered not into the question now whether the magistrates had acted right or wrong on the occasion alluded to; but it would appear, that the magistrates had been appointed contrary to the clause in the Act of Parliament. That affair happened on the 15th, and on the 16th Mr. Hebbert, a gentleman of Birmingham, forwarded a memorial from the inhabitants in the following terms:—

"To the right hon. Lord John Russell, Secretary of State for the Home Department.

"We, the undersigned inhabitants of the borough of Birmingham, and chiefly resident or having property in High-street and the Bull-ring, in the said borough, beg to represent to your Lordship that, from about half past eight to a quarter to ten o'clock last night, Monday, the 15th of July, the property and lives of your memorialists were left unprotected to the violence of an organized mob, although full and authenticated information had been early given to the mayor and magistrates of the borough of the intentions and plans of the rioters. Your memorialists, therefore, feeling that the mayor and magistrates have been guilty of a gross dereliction of their duty, request your Lordship forthwith to institute such proceedings as are necessary for bringing them to trial for their misconduct, and that you will, in the mean time, suspend them from any further control and interference in protecting the lives of your memorialists and their fellow-townsmen, and in preserving the peace of the borough."

On the 17th the following letter was written in reply to the memorialists:—

"Whitehall, July 17, 1839.

"Sir,—I am directed by Lord John Russell to acknowledge the receipt of your letter of the 16th inst., transmitting a memorial from certain inhabitants of Birmingham, complaining that 'their lives and property were left unprotected to the violence of an organized mob, although full and authentic information had been early given to the mayor and magistrates of the borough of the intentions and plans of the rioters,' and to request the memorialists will transmit to his Lordship any evidence or proof in their power to show that previous information was given to the magistrates of the intentions of the rioters.

"I am, Sir, your obedient servant,
"S. M. PHILLIPS.

"J. B. Hebbert, Esq. Temple-st, Birmingham."

The noble Lord had said, that he had no knowledge of these matters. From these letters it was obvious, that the intention on the part of the Government to inquire into these unfortunate affairs was dependent on the answer which they might receive from the memorialists, in reply to the letter written under the direction of the Home Secretary, as to any knowledge they had that the magistrates had full notice of the intentions of the rioters. He would now draw their Lordships' attention to the answer of the memorialists, because that answer showed what sort of confidence in the Government existed in the place where these unfortunate occurrences had taken place. In answer to the letter from the Home-office, these Gentlemen, the memorialists of Birmingham, wrote as follows:—The letter was dated

"Temple-street, Birmingham,
"July 18, 1839.

"My Lord—I have the honour, on behalf of the Gentlemen who signed the memorial which I had the honour of transmitting to your Lordship last Tuesday night, to acknowledge the receipt of a letter from your secretary, dated the 17th inst., and to express their gratification at finding, from the report of the proceedings in the House of Commons last night, that your Lordship is of opinion that the single acknowledged fact of the property of the inhabitants of the town having been left unprotected for upwards of an hour and a-half on Monday night, is of itself sufficient to make an inquiry into the conduct of the magistrates absolutely necessary. When the inquiry takes place the memorialists will be prepared to adduce the fullest evidence in support of their own charges against the town authorities; but they cannot but remember that when on a former occasion other of their fellow-townsmen thought fit to represent to your Lordship the disgraceful conduct of the civil and military authorities, your Lordship submitted those representations to the parties accused, and received from them personal explanations, with which your Lordship professed to be satisfied, without communicating to the complainants the answers which you so received. The only result of what was then supposed to be a discharge of public duty was a censure from your Lordship, and, in one instance at least, a challenge to fight a duel from one of the persons whose conduct had been impugned, sent to a most respectable inhabitant of the town, who joined in that representation. Under these circumstances, therefore, your Lordship will not be surprised if the memorialists respectfully decline to make any private communication to the Home-office; at the same time that they reiterate their readiness to adduce the fullest proofs of the truth and justice of their charge before any legally constituted tribunal, and when they can do so with safety to themselves and the confidence that it will not be done in vain. I have the honour to be, my Lord,
"Your Lordship's most obedient Servant,
"JOHN B. HEBBERT.
"To the right hon. Lord John Russell."

Now, upon the course which was here alluded to, he should make no observation, as it appeared that in the present case they were to have an inquiry, when the whole matter would be brought under consideration. But he must say, that certainly the paper he had just read showed that even when the letter of the 17th had been written, no one in Birmingham felt assured that inquiry would be made. And what was the reason of that want of assurance? Why the conduct of the Government on a former occasion, to which allusion was made in Mr. Hebbert's letter. He would not allude to what was said in that letter as to this extraordinary mode of conducting business, but he must say, that these proceedings—that the calling for the evidence which Gentlemen might have acquired for the purpose of substantiating a charge against the magistrates for neglect of duty, and then turning round upon them when it was communicated, and instead of proceeding in the Court of Queen's Bench, or before the assizes at Warwick, against the persons complained of for having been guilty of corrupt and improper neglect of duty, communicating the information received by the Government to the parties accused, gave to one party a most unfair advantage and tended to produce private revenge and other evil consequences. These remarks again might be called "exaggerated," he might again be charged with exaggeration, but here were the papers which proved that the course which he complained of had been pursued by the Government on a former occasion. And what would be the consequence of their communicating to the accused the information furnished to the Government by the accusers? In point of fact, it would be that a magistrate who misconducted himself would be exempted from punishment, unless the Government consented to become a party to the prosecution, for if the course complained of by the gentlemen of Birmingham were followed on other occasions, no private individual would come forward to complain of the conduct of any public authority, however grossly unjust that conduct might be. Now, he apprehended that according to the law of England, any individual was at liberty to complain of the conduct of a magistrate, and to proceed against him in a court of law. No one had ever doubted that in this country every individual had a right to complain of, and to proceed against, the magistrates, when the magistrates misconducted themselves. It was in accordance only with the *Code Napoleon*—with the code of laws of that high priest of liberalism, the Emperor Napoleon—that the consent of the Council of State should be given before a justice misconducting himself could be tried and punished. Hitherto, in this happy country, the practice and the law had been different, and he hoped they should hear no more of such proceedings. But follow out the system laid down in the letter from the Home office, and the result would be that no man, particularly if he had to complain of the conduct of a magistrate, would without the consent of the Home Secretary go into a court of justice to obtain redress. To such a course, he trusted, he should see some check put before it was further established by precedent. He should refrain from any further observations upon this matter at present, and he would now ask the noble Viscount whether there was any objection to the production of the documents he had read, as he conceived it was necessary that those papers should be laid before their Lordships.

Viscount *Melbourne* said, that with respect to the observations which had been made in another place, and to which the noble Duke had alluded, he was not well informed. Of this, however, he was perfectly assured, that whatever comments had been made upon the remarks of the noble Duke, whatever observations had been adduced by his noble Friend in the other House of Parliament, there was no intention to impute to the noble Duke anything improper or unjust. There was, he was sure, no intention on the part of his noble Friend to give offence to the noble Duke any more than there was on his own part when he observed in that House at the time that the noble Duke saw the matter in an exaggerated point of view. The noble Duke complained of the word "exaggeration," and, unwilling as he was to revive the arguments on this unfortunate affair, unwilling as he was to urge anything which might irritate or offend, he could not help stating, that there was no real offence in the arguments of his noble Friend, and that no offence could be inferred. He would ask whether the word complained of was not one of the mildest and most common expressions used to express that a strong view had been taken of any matter? He would not go back to examine with what propriety he himself had used the word exaggerations, but certain he was that if the observations of the noble Duke were not exaggerations of the subject to which he alluded, then must war be a much milder affair than he had before imagined. The noble Duke had said, that it was an unfortunate and melancholy consideration, that in the midst of profound peace they should be called upon to discuss questions of this kind, and that occurrences such as those which had happened at Birmingham should thus be forced upon their notice. He perfectly admitted the truth of that observation, but he feared, that during profound peace, and while a country was in a prosperous and flourishing condition, such a period would not be found to have been always remarkable for domestic tranquillity. On the contrary, he much doubted whether that was not the very season when domestic disturbances were most likely to occur. He scarcely knew what charge the noble Duke intended to bring against the Government, with respect to the magistrates of Birmingham. The noble Duke seemed to complain that he and his colleagues were, when this matter was first alluded to, totally uninformed on this subject, and in relation to events which had only taken place a few hours before,—upon a subject, in regard to which it was desirable that the fullest information should be obtained, on which no hasty conclusion ought to have been formed, and on which it behoved the Government not to speak, without the fullest and most ample knowledge. If that was the charge against himself and his colleagues, it was a charge to which he could not attach the least degree of importance. He could see no force in that charge, for the course which had been followed was the same which had been adopted in a much more grave and serious case, but to which the noble Duke had strangely enough not alluded. He alluded to the Bristol case. On the occasion of the Bristol riots, several lives were lost, and a great part of the town burnt, while the town, instead of being only for an hour or two, was, for a considerable time in the possession of a lawless and infuriated mob. He did not remember that such observations as had been made in reference to Birmingham had been made in Parliament in reference to Bristol, or that such a desire to censure the Government or the magistrates had been manifested. But on the occasion of the Bristol riots, an inquiry had been made into the conduct of the magistrates, and the result was, that an information had been filed in the Court of Queen's Bench against them, and the consequences had been, that they were tried and acquitted. On the present occasion, the Government had followed the same course. An inquiry had been instituted, with a view to ascertain what the conduct of the magistrates had been, and to see whether there were any good grounds for ulterior proceedings. With respect to the papers alluded to by the noble Duke, he was perfectly ready to acquiesce in any motion for their production, as he was most anxious to have every possible information before the House, which could tend in any way to the full understanding of the subject. He admitted, that it might be, that the memorial which had been read by the noble Duke, showed a want of confidence in the Government. The matters alluded to by the memorialists had reference to a general election, on which occasion some riots took place at Birmingham, in regard to which, both the civil and military authorities had been charged with neglect of duty. He was not, however, prepared to go into the case, as he had not a perfect recollection of the circumstance, nor was he perfectly aware of the reasons for the course which, on that occasion, had been followed by his noble Friend, the Home Secretary. But this he would say, that there was no evidence given on that occasion from which it could fairly be inferred that his noble Friend would pursue a course contrary to justice, or that it was his intention to communicate the information which had been conveyed to the Government to those persons who were accused of misconduct. It was necessary for the Government to know all the facts before it came to a conclusion as to the proper course to be followed, or before adopting the course which the noble Duke seemed inclined to pursue. In respect to whether granting a charter to Birmingham was a proper or an improper step, that also was a subject for the examination of Parliament. He begged again to assure the noble Duke, that by the remarks to which he had alluded, no offence was intended. These remarks implied no imputation against the veracity of the noble Duke, but only that he had given a stronger colouring to these unfortunate transactions than his noble Friend had thought they deserved.

The Duke of *Wellington* said, the acquittal of the Bristol magistrates showed that they had done their duty, and the case was not, therefore, in point. That which he complained of was, that the Birmingham magistrates were not appointed according to law, but on the nomination of the town council. The Home Secretary was responsible for the conduct of these magistrates; and the ground of his complaint was, that they were appointed in an unconstitutional manner. Government had, on one occasion, communicated the information received from persons, complaining that the magistrates had not done their duty, and it mattered nothing what the occasion was. The result was the same, whatever was the occasion. The memorialists concluded that the Secretary of State, judging from their past experience, was unwilling to prosecute when a complaint was made, and they had not confidence that the information they might furnish would not be communicated to the parties accused.

Viscount *Melbourne* explained, that Parliament was not sitting when the Bristol riots occurred, and the reason why they had not been noticed in Parliament was, that people had had time to reflect upon the matter. Time had been afforded for consideration, and it would, in his opinion, have been more prudent to have reflected more on the present occasion. With respect to what the noble Duke had stated, as to the magistrates having been virtually appointed by the town-council, in violation of the Act of Parliament, that he entirely denied; because he remembered, that in all the debates upon this subject, it was said to the Government, "We are depriving you of no power that you possess; you may take the advice of the town-council if you please." What could be more natural than that the Secretary of State should take the opinion of the town-council upon an appointment of this nature?

The Duke of *Wellington* recommended the noble Viscount to consult the clause in the Act of Parliament, and not to trust to his memory respecting what passed in debate.

The Earl of *Ripon* said, that in a conversation which took place the other day respecting the grant of a charter of incorporation to Birmingham, his noble and learned Friend on the woolsack had alleged, that gross frauds had been practised on the part of those who were opposed to the charter. Since that time, he had communicated with those Gentlemen, and they assured him, in the most positive manner, that so far as they were concerned, and so far as the town of Birmingham was concerned, no such transaction whatever, as had been represented to have occurred, had taken place. No fictitious names had been appended to the memorial against the charter, and no streets had been put down which were not in existence. The opponents of the charter had also forwarded in every possible way the inquiry which had been instituted, and, in fact, they were the persons who had called for an inquiry, and it was the greatest absurdity to suppose that such persons would throw obstacles in the way of its prosecution. He was sure that what his noble and learned Friend said the other day, was not quite correct, and he wished to know whether his noble and learned Friend could now say, whether his observations did or did not apply to the town of Birmingham.

The *Lord Chancellor* said, that he found that he had applied to Birmingham what really belonged to Manchester.

Papers ordered.

MUNICIPAL CORPORATIONS (IRELAND).] Lord *Brougham* would take the opportunity of their Lordships being about to proceed to the Order of the Day for the second reading of that very important measure the Irish Municipal Bill, to make a few observations to their Lordships in connection with the measure, and at the same time to state the course which he intended to pursue with regard to it—a course so entirely different from that which other noble Lords would probably take, whether they opposed the principle or the details of the bill, that he felt it would be more fair in him to address their Lordships thus at the preliminary stage. Be the merits of the measure ever so great, be it ever so unexceptionable, be its principle ever so clear or the details ever so perfectly framed, his objection to it was still the same:—that this was the 22nd of July—that they had been sitting there wellnigh six months, and had hardly done anything in point of legislation during that time, and yet that they were now called on—as usual, he must admit, for this was no new complaint, it was one he had himself made two or three years ago, and the evil had been increasing from year to year during the last twenty years—to proceed at once to legislate upon a subject of the very highest importance. He did not complain more of the present Government than of any others; but the evil had become so positive that he felt their Lordships were reduced to the necessity of taking some effectual step to apply a remedy to this great and increasing mischief. He was not unmindful of what had been said by a noble Friend of his behind him, that the complaint was one which he had heard every year since he had been in office; but he said increasing mischief, because it was the nature of the evil to increase unless the appropriate remedy were timely applied. He repeated, that after having sat six months, they had done nothing: they had debated a great deal, appointed committees of inquiry into some important questions, passed some private bills; but, as regarded their legislative functions, they had literally done nothing. With the exception of the noble Duke (the Duke of Wellington) he was perhaps the most constant and regular attendant of their Lordships' House; and he would take upon himself to say, that they had not ten times during the whole Session sat until eight o'clock, and he was quite sure they had not sat five times so late as ten. The bulk of the business had generally been over soon after seven o'clock; so that, in fact, it could not be said that they had done anything but wait for measures to be sent up from the other House. To show the situation in which the House was now placed with regard to measures sent up at this late period from the other House, he need only refer to the printed list of business for this day. There were no less than ten or eleven important measures standing for second readings or some equally important stage; and if by their being disposed of or proceeded with was meant that their Lordships should discuss and come to a resolution after duly weighing and inquiring into the subject, it was utterly impossible that those which were appointed to be the proceedings of the day could be the proceedings of the day, if by the day was meant the legislative day of seven or eight hours. This was the list:—Municipal Corporations (Ireland) Bill, second reading; Metropolis Police Bill, second reading; Custody of Infants Bill, committee; Pleadings in Courts (India) Bill, committee; Beer Act in part Repeal Bill, re-commitment; Prisons Bill, report; Bankrupts' Estates (Scotland) Bill, report; Church Discipline Bill, third reading; Indemnity Bill, third reading; Soap Duties Drawback Bill, third reading; and Stannaries Courts (Cornwall) Bill, third reading. An hon. Friend of his behind him observed that some of these must of course be put off. Exactly so, they must be put off. That was the very thing he complained of. Look at the first measure on the list—The Irish Municipal Bill. It contained no less than 256 clauses, some of them perfectly new clauses. [Lord *Ellenborough:* One hundred and twenty-four are new.] Some of them remodelled, but upwards of fifty absolutely new. It formed on the whole a volume (a great part of which they had not seen before, and of the remainder of which they knew little except by the experience of former years) containing more pages than there were in the statute-book for the first 38 years of the reign of Elizabeth. Now was it fair to call on the House of Lords to discuss so many measures all at once? Was it fair to call on them to discuss more than one at once? Was it even fair to call on them to discuss so important a measure as the Irish Bill to-night, when it was only printed on Saturday—a day, probably, of recreation to most of their Lordships, who no doubt found themselves as much jaded with doing nothing, as others elsewhere no doubt were with doing so much. Was this a right mode of dealing with a subject of such vast importance—one which the experience of past years showed it would be impossible for them to carry through without the greatest controversy, both on its principle and its details? It might be answered that the bill had only just come up from the other House, and that other things had prevented them from sooner sending it up to their Lordships' House. But what measure could there be requiring precedence more than this? Assuredly it was most important in itself; and if the promoters of it were to be believed, upon it depended the peace and good government of the corporations of Ireland; and moreover it had already been waiting three years for precedence; and the subject which it embraced formed part of the Speech from the Throne at the commencement of the Session. Surely this was a strong case for its having been brought in earlier. A noble Friend reminded him that the bill was first introduced in the other House in February. If so, what had they been doing in the other House—that Temple of Themis, or of whatever exceeding halt and lame deity presided over it? What could they have been doing during the six months they had sat, if they had been unable to send up earlier this measure, described as of so high importance, and which was indeed expressly referred to in the speech from the Throne? But if this bill at last obtained precedency, it would seem that there were more to come; that although their Lordships' table now groaned with ten or eleven enormous bills, they were to have at least ten or eleven more. Indeed, six or seven had been brought up to-night; and the next ten days would, in all probability, force up many more from the same laboratory of immature legislation, all bearing the marks of the same immaturity, or of being half made Thus it was, that within one week or a fortnight their Lordships were overwhelmed with measures which the other House had taken the whole Session to discuss, and with regard to which they were expected to discharge their duty as if they had had the six months to consider them. Was it right, safe, or expedient, that this should be? Was the Legislature to consist of two Chambers or but of one Chamber? He (Lord Brougham) had heard it said by some, that the House of Lords ought to be abolished — that it was a nuisance in the Constitution. This opinion he had always combatted, although he had frequently felt himself bound to differ from their Lordships, and had never said behind their backs half so much as he had taken the liberty respectfully and firmly to state in their presence. It was a most pernicious proposition, and so anomalous, that he would rather see a republican government, than a government composed of the Crown and the people with no intermediate legislative body. Ridiculous and absurd as he conceived that proposition to be, he yet thought their conduct more so who advocated the retaining the House of Lords as a branch of the Constitution, who called upon them to act as lawgivers, and exercise their deliberative functions, yet brought before them those measures at such a time, in such a mass, and in such a shape, as made it physically impossible in any legislative body to decide upon them. Was it, then, supposed, that the functions of their Lordships' House might in another manner be dispensed with? That, in fact, the bills came up from the other House in so perfect a state, that no revision, alteration, or correction, was required in them? On the contrary, they came up, for the most part, in such a shape, that he defied the most devoted admirer of proceedings elsewhere, or even the authors of the measures themselves, to deny the necessity for their being most carefully examined when they came under their Lordships' consideration. The more misshapen and deformed were the offspring, the more they always seemed to seize upon the hearts of their parents; yet he defied even the authors of those measures themselves to show, that they came up in a state that did not require revision and correction—that, in fact, they were not oftentimes in a state which rendered it absolutely dangerous to allow them to pass into laws without those necessary operations being performed. To give an instance—there came up in one year two bills, the title, heading, and amendments of each of which applied to the other; and so those bills would have stood in the statute-book to this hour, had not the mistake luckily been discovered just before the prorogation. And then what was done? Why a bill was passed by which it was enacted, that certain parts of the one bill were to apply to the other bill. This he knew to be a fact from the statement of the Speaker of that time. In another case a bill was introduced to amend the administration of criminal justice from and after the October ensuing. This bill, although full of good points, and containing many most excellent provisions, gave an extraordinary power by which any single judge, though he might not have heard a word of the evidence offered on the trial of a prisoner, might the very next morning send for the prisoner and alter his punishment. Their Lordships threw out the clause containing that provision, and what was the consequence? Why the other House were so angry at the change being made (though it was not a money bill) that they threw out the whole bill, and the measure did not pass till a year ago. Now, any one acquainted with the constitution of the two Assemblies must be aware, of what invaluable use that House was in correcting and amending the bills that came up from the other House. It was not enough merely that their Lordships should agree in the principle of a bill and approve its details, because there might yet be a vast deal of matter in the bill (of the kind to which he had just referred) requiring amendment. But if they were to meet every day for the next fortnight or three weeks, when the Session would virtually terminate by the absence of noble Lords, it was impossible that the measures now on the notice-paper for the next two days would receive even the semblance of a fair discussion. He had already read a list of the business for to-night. He would now read what was set down for Tuesday:—" Prisoners' Trial Bill, second reading; Lower Canada Government Bill, second reading; Registers of Births, &c., Bill, second reading; Election Petitions' Trial Bill, Committee; Tithes' Commutation Acts Amendment Bill, third reading; Supreme Courts' (Scotland) Bill, third reading." But, notwithstanding that there were all these measures already there for discussion, the Government had not, it seemed, done introducing bills. Instead of, at all events, finishing the measures brought forward early in the Session, they were actually introducing totally new ones. It was but the day after he had postponed his Education Bill at the suggestion of his noble Friend, on account of the advanced period of the Session, that a Member of the Government in the other House did not hesitate to get up in his place, and introduce a measure—one quite new to the Legislature—respecting inland bonding and warehousing—a measure which he happened to know was of great importance, from the circumstance of his having already had two deputations from the city complaining of it. In one week after, as late as Friday last, the Under-Secretary of State introduced a measure of considerable importance, and they were now told to expect the speedy introduction of a bill to effect an object of a great and most important kind—the establishment and organization of a constabulary force for the whole kingdom. He really must be allowed to express his hope, that at this period of the Session, their attention would not be called for the first time to a question so extensive, important, and difficult. A bill for the establishment of a general constabulary force was one, he conceived, which might, with the utmost propriety, have been first introduced in that House—it was no money bill. What was the practical result of the observations which he had addressed to their Lordships on this subject? That unless they at once proceeded to take the remedy into their own hands, they would always be treated in this manner. Year after year was this intolerable mischief on the increase. They were left during five months with nothing to do, and then the other House sent up to them more than could be done in five or six times the interval that elapsed before the end of the Session. The accumulation had never been so great as it was this year; and the bill now before the House was a glaring and unparalleled instance of the evil he complained of—taking all the circumstances together—considering the fact of the subject having been introduced in the speech from the Throne, and that this bill was sent up to them at the eleventh hour—it was a mockery, and nothing less, to call them a deliberative body, and yet to render their deliberation a physical impossibility, by withholding from them the subjects on which they were to deliberate. Let them be treated as cyphers—told, that they should not exist at all as a deliberative body—commanded merely to register the acts of the House of Commons—never called upon even to look at a bill, much less to examine and improve it: all this he could understand. But to be treated as a deliberative assembly—to be called upon to examine measures—to be told, that they must discuss the principle of each measure in the House, and its details in Committee: to have all this responsibility thrown upon them, and at the same time to receive from the other House so many measures when it was a physical impossibility fully to discuss even one of them, was a mockery, and an insult on their understanding. The remedy was in their Lordships' own hands. Let them show, that if bills came up at this season of the year, they would not pay attention to them. Without in any way entering into the merits of such measures, or deciding on them, let them be rejected on the ground of the advanced period of the Session, and on that ground only, unless good reason be shown, why they could not earlier be brought up from the other House. Let this course be once resolutely pursued, and he would answer for it, that in the next Session bills would be introduced in the proper place, and those introduced in the other House would be brought up to their Lordships at a convenient period in the Session. These observations he had held it his bounden duty to make in consequence of what passed two years ago. The House at that time allowed him to introduce certain changes as to the mode in which private business should be transacted in that House. At the same time he took occasion to call their Lordships' attention to the evil of which he was now complaining, but he did not then suggest a remedy; he now, however, ventured on the credit of having then at least helped their Lordships to an effectual mode of improving the practice of the House with regard to private business, to ask them now to take a decided course with respect to public business also, as the only mode of practically and effectually working the cure of an evil the extent of which all admitted, and of which no man could deny the importance. On the one single ground which he had stated, he should oppose the second reading of this bill, and he begged at the same time to notify, that he should on the same ground oppose many other bills, in the hope that he would be supported in a course of proceeding which he was satisfied was the only one by which their Lordships would recover the full exercise of their legislative and deliberative functions.

Viscount *Melbourne*, in rising to move the Order of the Day for the second reading of the Irish Municipal Corporations Bill, would, in the first instance, observe, that the observations of his noble and learned Friend, as he himself had admitted, were not new. They applied to a state of things that had existed almost ever since Parliament itself had existed—a state of things of the origin of which no account could be given, although the subject had often been discussed in that House. Of the many conjectural reasons for the practice that had been suggested, the most natural appeared to him to be, that it was a habit of assemblies of the kind, in all parts of the world, to allow the really practical measures to accumulate and gather together until near the close of the Session. At the beginning of a Session a representative assembly, and the other House of Parliament particularly, was usually occupied with party operations and contests. And when his noble and learned Friend said, that bills might be introduced in their Lordships' House, he surely must be aware of the reasons why it was neither convenient, politic, nor expedient, to originate measures in that House. His noble and learned Friend, in a very ingenious speech on a former occasion, seemed disposed to enlarge upon the advantages of large majorities of the other House. He (Lord Melbourne) did not entirely agree in all that had fallen from his noble and learned Friend on the subject; but at the same time it could not be doubted, that a bill coming up to that House, with the sanction of the opinion of the other House, would have more effect than a measure merely introduced in their Lordships' House in the first instance. If his noble and learned Friend had wished not to add to the evil of delay he would not have made the speech he had made on this occasion. The course which he recommended was by no means a new one to their Lordships—it was one which they were virtually very much in the habit of pursuing. There could be no argument more effectual with their Lordships against a bill than that which urged them to throw it out on the ground of the lateness of its introduction, for their Lordships were by no means very ready to pass any bills, except those which they felt it would be neither wise nor prudent not to pass. At the same time he must be allowed to say, that the observations of his noble and learned Friend, applied less to the present bill than they would apply to almost any other bill that could be brought up; because their Lordships would remember the great principle and the main provisions of the bill had already been before them in three successive Parliaments, and had been with tolerable impartiality discussed and considered by them; nay, had been to a great extent sanctioned and recognised by them; and although it might be very well, for the sake of rational argument and to produce an effect upon the eye, to hold up a large bill, and, as it were, *δείκτικως*, yet such a mode of arguing was very fallacious, and particularly so in the case of this bill, which might be said to be, in almost all its main points, the fruits and product of the combined wisdom of that and the other House, and one on very few points of which there could be a difference of opinion. With respect to this bill, it was their own doing; and the principal bulk of it consisted in those amendments which their Lordships had introduced, and therefore it was a measure, in fact, to which the observations of the noble and learned Lord would apply with much less strength and force than to any other which might be sent up from the House of Commons. He had thought the measure was so far agreed upon by their Lordships, that but for the expressed intention of the noble Earl opposite (the Earl of Roden), who had declared his intention to take the sense of the House upon it, he should not have thought himself called upon to address any observations to the House upon the subject; and he should not now feel himself bound to waste much of that time which the noble and learned Lord had shown to be so precious, and in which they had so much to do, in referring to this question. That the corporations of Ireland required revision—that they were framed upon a principle of exclusiveness which did not suit the present day, or the laws or the rights of subjects of all classes of society, he thought had been completely and entirely admitted. It appeared to him that such was the case both in this country and in Ireland. It was admitted by the corporations themselves; and, with the exception of Dublin, he knew of no demonstration having been made in opposition to the bill on the part of any corporate town in Ireland. It was unnecessary for him, therefore, to urge any further arguments as to the general principle on which the bill was brought forward. As to the provisions of the measure, the main point of difference between them and the House of Commons was the qualification clause. It was sent up from the House of Commons with a clause proposing a *5l.* qualification; their Lordships returned the bill with a 10*l.* clause; the House of Commons differed from the principle embodied in the provision proposed to be made, and, in consequence of that circumstance, the bill was lost. It was now sent up with an 8*l.* clause, which was proposed to be adopted for three years, the principle adopted in England being also proposed to be carried out, and that was the point now for consideration. With regard to another part of the bill, that concerning the boundaries, their Lordships having incorporated certain provisions upon this subject in the measure, the House of Commons had agreed to them, and had sent up the bill, having adopted the suggestion which had been thrown out. The other great point was, the nomination of sheriffs. There were several other minor subjects of consideration, but this was the one which afforded most matter for discussion, although it did not affect the general principle of the bill. The House of Commons had sent up the bill, containing a provision, that the town-council should name three candidates, of whom the Lord-lieutenant should select one. Their Lordships, however, had differed from that provision, and had placed the nomination in the Crown. From that the House of Commons differed, and had now sent up the bill with their original proposition. The other point was, the provision for appeals against valuations by those who valued for the purpose of assessing for the poor-laws. These were the points which remained to be discussed. The House had had the bill under their consideration for three years, and had adopted its provisions over and over again, being convinced of its necessity. There had been much difference of opinion upon it, and much vehemence of discussion, perhaps more than the importance of the subject justified; but he hoped that the House would now fairly consider the question, with a view to its termination, and he sincerely trusted, that if the Government should carry this measure, it would settle the question beneficially for the country.

The Earl of *Roden* had, Session after Session, carefully guarded against its being supposed that he agreed to the principle of the bill, and he had always thought, that it was opposed to the good of the country in which its provisions were to be carried into effect. He found that in the preamble of the bill it was recited, that "whereas divers bodies corporate at sundry times have been constituted within the cities, towns, counties of cities, counties of towns, and boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed; and it is expedient that the charters by which several of the said bodies corporate are constituted, should be altered in the manner hereinafter-mentioned:" or, in other words, that they should be so constituted that the effect would be, in his opinion, that they should no longer answer the purpose for which they were originally intended, namely, the good government of the people. On the contrary, a system of government, similar to that which had been established in England, would be adopted in Ireland; which, in his opinion, would be only calculated to call into increased action all those religious differences and party feelings which now existed in that part of the kingdom. He begged to ask, whether it were necessary to establish a corporation in every town where there were 3,000 inhabitants? For his own part, he thought, that such a provision would call into existence normal schools of agitation, sedition, and repeal, and, in short, every means by which disturbance might be produced, to the detriment of the country. Every witness who had given evidence before the committee up-stairs, from the Marquess of Wellesley down to the humblest individual examined, had all traced the evils of Ireland to the system of agitation which was continually kept up in that unhappy country. The language of one and all was this, that political agitation was the parent of outrage. And was not the proposed plan of electing officers of these corporations in the different parts of the country the most likely means of producing this agitation which could be conceived? He would ask any one who had any doubt of the truth of this to look at what had passed during the late election in Ireland, and he would name two of the counties in which the greatest agitation appeared to have been produced—he meant Sligo and Roscommon. There it was sworn, that before the election the happiness which existed could not be paralleled in any other country; and yet, since the agitation which had been produced by this election, such was the state of society that the gentry were unable to visit one another after nightfall, and many of them on going out from home were obliged to be constantly armed. He could refer also to the election of commissioners under the 9th Geo. 4th., which had produced equal mischief. Even the elections, which had taken place under the act recently passed for the poor-law commissioners, had been made the subject of political agitation throughout the different towns in Ireland. The House was congratulated on that bill being passed—that at least there was one measure from which all party-feelings and party-spirit would be absent. But the moment it quitted that House it ceased to sustain that character. In many of the towns where the poor-law guardians were chosen, what were called "priests' lists" were sent about, and all who were not named in those lists were excluded from being elected. This had been the case in many places, but more especially in Dublin. One would have supposed that if property had had any influence in securing the appointment of proper persons, it would be in that city; but the spirit of party-feeling and religious animosity, had been carried to a great extent there, proving that agitation could be fed by the best measures and till it was ruinous to the best interests of the country. Was it possible, then, that the House, with the evidence before them to which he had alluded, would consent to pass a measure which must make bad a great deal worse, and which must prove that this proposed system of municipal corporations could not safely be carried into effect. It was proposed to erect municipal corporations in every town where there were 3,000 inhabitants, and which might apply to be incorporated. These persons would have the appointment of the magistrates—of the mayor. Here was a most serious case. Here was the dispenser of justice appointed, chosen by the town council. This council, it would be found, would be chosen from the "priests' list," judging from analogy, at least from the existing system; and then, he begged to ask, what chance there would be for justice—what security there would be for the lives or the properties of the people? But further, the election of the mayor and town council was to be annual; so that there was to be an annual renewal of agitation, and of the means of increasing it. Under the provisions of this bill two powers were tó be conferred on the magistrates to create new officers, and to give what salaries they pleased to those officers; so that in Dublin they might appoint the lord mayor from among themselves; perhaps the individual selected might be the greatest agitator in Ireland, and they might choose to give him an immense salary. The same power might be carried out in reference to all other officers, and he thought that the House could not, therefore, fail to come to a conclusion that this bill would be most dangerous in its effects. He called upon the noble Viscount and his coadjutors to remember the important responsibility which rested upon them, he called on them to retrace their steps, and to avoid proceeding any further with a measure which would increase the political evils of Ireland. He thought that the observations made by the noble and learned Lord opposite were of themselves a sufficient answer to this motion; but even if those arguments founded upon the late period of the Session at which the measure was brought forward, and the short notice given to the House for its discussion, were deemed unsatisfactory, he thought that when the powers to appoint magistrates were considered, coupled with the recent events in Birmingham, their Lordships would pause before they committed themselves so far as to adopt this measure. It appeared to him a most provident circumstance for the safety of Ireland, that the unhappy event to which he had referred had occurred just at the present time, because, it was obvious that if such insecurity existed within five hours of the control of that House, the condition of the small boroughs in Ireland, of which the House could have but little knowledge, would be still more unfortunate. It was impossible to describe the state of panic which had seized upon the minds of the people of Ireland in reference to this measure. They conceived it to be a bill calculated to crush them, and that it was one under the provisions of which all justice would be denied them. He believed that they commanded the sympathies of the people of England, Scotland, and Wales; and further, that the bill if it passed would be the heaviest blow which had been given to Ireland. Therefore he felt it to be his duty to raise his voice against it, and to protest against its second reading. He hoped, from the circumstance which had taken place, from the events which had occurred in Birmingham, and from the petitions which had been laid upon the table, against this bill, even should it go through committee, and be there altered so as to render it much less hurtful than now, the House would be induced to throw it out on the third reading. He would conclude by expressing his determination to take the sense of the House upon this bill.

Lord *Stuart De Decies* regretted much the course taken by the noble Earl who had just addressed the House. He well remembered the observation made in another place by a right hon. Gentleman, recently about to become Premier, that Ireland presented more difficulties in his way than Jamaica, which had abdicated its legislative functions, or than Canada, in which a civil war was still smouldering, or than India, in which open war had commenced; and he had no doubt that the difficulties arose from that party which the noble Earl represented in that House. The noble Earl had objected to the corporations which might be created under this bill, that they would become so many normal schools of agitation. He (Lord Stuart) thought very differently, or he would not support it. Nothing he deprecated so much as the renewal of agitation. He remembered that which was raised on the subject of the repeal of the Union, and in favour of a domestic Legislature. The friends of the union of the two countries had the greatest difficulty in overcoming that agitation, but there was one argument which had much effect. They said, that Parliament had but recently been remodelled, and that it was but fair to give it a trial, and they said, there could be no doubt that whatever civil privileges or municipal rights might be granted by the Legislature to England or Scotland would also be given to Ireland. This brought upon them the ridicule of the advocates of repeal, and they were called "the wait-a-whiles." However, at length came on the motion of Mr. O'Connell for the repeal, which was met by those celebrated resolutions which, as far as they went, tended to verify the predictions of the opponents of repeal; but had those predictions been since realized in giving municipal rights to the people of Ireland equal to those given to Great Britain? Let the bill then on their Lordships' Table, answer that question. Did they suppose, that because the repeal cry had remained silent for the last four or five years, that it was to remain quiet for ever? Did they suppose that the Irish, unless their wishes were attended to, would not seize the first favourable opportunity of urging that question? and the occasion they would seize upon would be when those who opposed their wishes should again come into power. He would recommend the noble Lords opposite, on the grounds of expediency as well as of justice, to withdraw their opposition to this measure, if they would preserve themselves and their country from much future embarrassment. The noble Earl opposed the bill on the ground that the abolition of the Irish corporations would be prejudicial to the interests of the Protestant Established Church. [The Earl of *Roden:* No. I am for the abolition of all corporations.] The noble Earl had made a remark on the great danger of the Protestants being excluded from the corporations through the influence of the priests, and if his argument did not mean that that would endanger the Protestant Establishment, he did not know what it did mean. He was sure, that the maintenance of the existing corporations against the express wishes of the bulk of the people, would be infinitely more dangerous to the Established Church than their abolition; for where existed the great security of the Irish Protestant Church Establishment but in the Legislative Union? But if the Imperial Legislature, acting on the advice of the noble Earl, continued systematically to oppose the wishes of the people, then would the people systematically oppose those establishments that were distasteful to them. The noble Earl's motion, if successful, would drive the Irish to the adoption of one or two alternatives—either to the Repeal of the Union, or to the destruction of that very Protestant Establishment which the noble Earl desired so much should remain a bar for ever to the Irish Municipal Corporations.

Lord *Lurgan* could not have believed, had he not heard it, that the noble Earl would have been the man to make a motion for flinging out a bill which had for its object the reform of institutions, the name of which was synonymous with all that was most corrupt and profligate. The municipal institutions in Ireland in their present state were mischievous to society; they were most faulty in their principle, and in their proceeding, in their constitution, and in their practice. Such was the character of those municipal institutions, as at present found in Ireland, that when this matter was referred for inquiry to the Irish municipal commission five years ago, they were told to use all possible despatch, so great and pressing were the evils, in order that there might be some legislation on the subject in the next Session of Parliament. Such being the character of these corporations, he owned he was surprised to find that any noble Lord in that House, and more especially an Irish Peer, should make a motion which had for its object the upholding of institutions such as these had been reported to be by that commission. The noble Earl had stated, that he was not for upholding these municipal corporations, but that his object was to abolish all corporations; but, in the course of five years, the noble Earl had taken no step towards their abolition. He must say, that they were not afraid to meet the question, if they were started by the noble Earl. If their Lordships would but look at the inquiry of the Irish commissioner, under any of its heads, he was sure he was not making a bold statement, when he asserted, that under any one of those heads would be found enough to justify and to invite prompt legislation. The evils complained of had never been contradicted, and were of such a nature that it was quite impossible for their Lordships, without incurring serious responsibility, and inflicting serious injury on the country, to pause in providing a remedy for them. About ninety-nine municipal institutions had exercised corporate functions during the last century: but since the legislative union a good many of these had become defunct or were scarcely worth the mentioning; deducting these there were about fifty-nine corporate bodies now existing in Ireland, and in only about twenty-three of these was there anything like a commonalty or freemanship. The remaining thirty-six corporations, to which were committed the duties of magistrates, the power over the police, and the control of a considerable income, were altogether without any control; they were irresistible, self-elected bodies. Now, when the noble Earl asked their Lordships to throw out this measure, he asked, was the state of these corporate bodies a proper one, or was the state of the municipal government in Ireland such as the noble Earl would call on their Lordships to uphold. [The Earl of *Roden*:—No.] The noble Earl said, no and the noble Earl did not mean to uphold these sinks of corruption. Had he ever taken any one step to move their Lordships to abolish them? He had done no such thing. [The Earl of *Roden*:—I voted against them.] Yes, but that would not suffice to get rid of these corporations; they were too deeply rooted in the country to be got rid of by the mere vote of the noble Earl. The noble Earl knew what he was about, and when he was in earnest and wished to accomplish a point, he knew as well as any noble Lord in that House that something more than a vote was necessary. If bodies of this kind were under no control, the consequence must be mismanagement and loss of property, and by the operation of the system a very considerable amount of corporate property had been lost to the public. This was a most serious offence, and it was their Lordships' duty to rectify this, and look after the property. Many of the corporate estates had been grossly mismanaged, many of the Members of the corporate bodies granting valuable leases to themselves at low rates, and depriving the public of all advantage; and their Lordships were called upon to allow these sinks of corruption to exist till doomsday. But the very head and front of the offence which these corporations presented to his mind was, that they were exclusive bodies, and were banded to shut out, upon sectarian grounds, the great mass of the Irish people. That was quite intolerable; and he was sure that their Lordships, upon reflection, would be disposed to agree with him, because so long ago as the year 1793 a bill was passed for the repeal of the statute by which the Roman Catholics were excluded from the corporations of Ireland, but up to the present day, or at least to the day when the Municipal Corporation Commissioners made their report, the Catholic population of Ireland had reaped no practical advantage from the abolition of that system of exclusion in 1793. He said this confidently, because though the Roman Catholics might have been admitted in some boroughs to the freedom, they were everywhere altogether excluded from the governing body; and even when they had been admitted to the freedom of the town, they had been admitted, not as a matter of right—no such thing—but in deference to the influence or popularity of some leading man in the corporation, and out of compliment to him. This was an odious system of exclusion, which ought to be got rid of. Why should Roman Catholics be excluded. They brought a perfect equality of civil worth, and when, therefore, people talked of admitting them to corporate rights as a matter of favour and kindness, he said that the favour was insulting and the kindness odious. In Ireland they much wanted local government; the want was pressing and urgent, for under the present system, every object of utility and civil government must be effected by local Acts of Parliament, by separate local commissions, and by separate bodies, who were frequently but little fitted for the duties they were to perform, and who were often conflicting. So what they wanted was a good system of corporations; and if their Lordships looked to the case made out, they would be obliged, he thought to come to the conclusion, that these odious rotten corporations must be abolished utterly, and that new ones should be established and founded on a system of general admission to the body of freemen on the one hand, and to the governing body on the other. Believing, then, that these evils could only be met by some such measure as the present, he should give as hearty a vote as he ever gave in his life for the second reading of the bill.

The Duke of *Wellington* said, it appeared to him that the noble Lord who had just spoken with so much ability, and who had so lately taken his seat among their Lordships, had not yet acquired a knowledge of the history of this measure; and also that the noble Lord had entirely misunderstood the speech of his noble Friend (the Earl of Roden). His noble Friend did not defend the Irish corporations; he did not desire the continuance of those corporations on their present footing—nay, on the very ground stated by his noble Friend it had been admitted that the existence of those corporations ought to be abolished—namely, on the ground of the exclusive plan on which they had been governed. This all their Lordships would admit. In fact, a measure had been proposed by his noble and learned Friend (Lord Lyndhurst,) of which the object was to put an end to all the corporations of Ireland, and to govern the country according to the principles of the common law of the country. That measure was not approved of by the other House; but it was passed by their Lordships, and he believed that his noble Friend voted for it. Indeed it appeared to be the fixed opinion of the other House, as it was also of many of their Lordships, that certain corporations ought to exist in Ireland, founded on an electoral principle. For his part, he was formerly of opinion that the best mode of governing Ireland was to abolish all these corporations. He was of that opinion, and he entertained that opinion still, but he had given up his own opinion to the opinion which generally prevailed in the other House, and which also prevailed among a great number of their Lordships, as soon as he found there was a prospect of forming, in each of the towns where a corporation was to have existence, a constituency which might be formed on some system of rating, or on any principle whatever, except on the perjuries of those who claimed to have votes as burgesses in these corporations, and on the perjuries of those whom they might produce to support those claims. He had lived long enough in this world to have an extreme dislike of revolutions. He did not like to take power one day from one set of men, who had held it for centuries, and the next day transfer that power into the hands of men who had never held it. In Ireland, however, he conceived that it was now possible to find a system of qualification, by which provision would be duly made for the division of power between the two classes of inhabitants of that country, and by which the peace and the good government of those towns would be secured, and, conceiving this, he was anxious to support any measure having such an object in view. On these grounds, then, and having supported the Poor-law Bill for Ireland, and hoping that the good working of that measure might afford the groundwork for a qualification adapted to this other measure, he had supported it in the last Session, and done everything in his power to amend the bill as sent up to their Lordships from the other House, so that when it left their Lordships, it might go down to the other House again in such a shape as might be best calculated to attain the object he had in view—namely, the good government of the towns of Ireland, rather than the satisfaction of those views to which the noble Lord (Lurgan) had adverted with so much eloquence. Eloquence, of this kind, however, he must confess, never made any impression on his mind. He had no notion of a repeal of the union, or of any measure of that kind, the carrying which, he thought, depended in a great measure on the Government of this country, where he hoped always to see the Government strong enough to oppose and defeat the passing of such measures. But with respect to the bill before them, when the noble Lords on his side of the House adopted the principle of election for the formation of these corporations, he was in hopes that those on the other side would have met them half way, and, that before now they should have agreed on a system which might have given security for the results which they had in view for Ireland, and which he declared were none other than the peace and good government of the country, and the contentment of every class of its inhabitants. This he had expected and hoped, but here they were on the 22nd of July, for the first time in this Session, taking a measure of this kind into consideration—a measure which contained 265 clauses, of which 124 clauses had never been before their Lordships previously, containing as they did very nearly 124 new principles, and he must say, that feeling as he did, averse from this bill, for the reason alone which had been stated by the noble and learned Lord, he should have been disposed to vote against the second reading. There was certainly not time to go through the whole bill. He was perfectly aware of the misconstructions which might be put upon the conduct of public men, and the use which might be made of such misconstructions out of doors, but still he could not recommend their Lordships to reject the second reading of this bill on the 22nd of July. What he did recommend, was the considering of the measure in committee, and, if possible, the making it such a bill as ought to pass, and as might be calculated to attain the objects they had in view. But he must say, that many of the topics adverted to by the noble Earl who moved the second reading that day six months, had a very great effect on his mind, for he could not avoid looking around him, he could not avoid seeing what was passing at Birmingham, and what was passing in other corporations—he could not avoid adverting to these effects of what was called corporate reform in this country, and he could not but think, that these circumstances furnished stronger reasons than before existed for caution in effecting any change, and for taking care, that the corporations of Ireland should not be invested with the power for mischief which they would have under this bill. If it were not to come out of the committee much amended, and if it were not to come out such that he could vote for it, consistently with his ideas of what was a security for good government in Ireland, and for the contentment of the people in general, then he must vote against it in all its future stages. With respect to the speech of the noble Lord who had last addressed the House, it was obvious, that the noble Lord, and he spoke of the noble Lord with the respect which was due to his character, and to the abilities which he had shown that night, did not know much of the history of this measure, or he would not have talked about giving powers with respect to harbours, and watching and lighting, and so on. These were not the things intended, but what was to be the result of the measure as originally framed, was to establish certain Roman Catholic corporations for what is called the municipal government of those towns to which the bill applied, and to these corporations he believed it was intended by this bill to give as little to do as possible. If the bill did not come out of the committee very materially altered, he should most undoubtedly advise their Lordships to reject it, for the circumstances of the moment were not propitious for entering into a discussion by conference with the House of Commons upon a bill of this description. It seemed at present likely, that Parliament would not sit for more than a fortnight longer, and he was sure that a fortnight was not sufficient to amend this bill in such a manner as was necessary. Under these circumstances he should recommend their Lordships to vote for the second reading of this bill, passing by for the present the amendment of his noble Friend, to go into committee upon the measure, to consider its provisions well, and to introduce such amendments as would render it fit for the government of the corporations of Ireland, and produce contentment in the country. If it should not come out of the committee in such a shape as that good might be expected from its passing, then he would recommend their Lordships to adopt a motion similar to that made by his noble Friend.

The Earl of *Wicklow* had not been induced to come to the determination to vote for the second reading of this bill by the arguments of the noble Baron who had addressed their Lordships to-night for the first time (Lord Stuart de Decies). As to the cry of repeal, which the noble Baron had said would be raised if the bill were rejected, he entertained for that cry and its supporters the most sovereign contempt. He was satisfied, that it never would assume a dangerous shape from the efforts of faction in Ireland, if those efforts were not prompted and encouraged by the madness of the people of England. Nor did he anticipate that danger which his noble Friend (the Earl of Roden) dreaded from the establishment of institutions which his noble Friend expected would prove to be normal schools of agitation. He thought, that the best means of checking agitation, and diverting the minds of the people of Ireland from mischievous pursuits, would be to supply them with proper occupation in the interesting subjects of municipal regulation. He did not support this measure on the ground that it was demanded by the people. He cared not in the least whether the people of Ireland desired the measure or not, he should think the worse of them if they did not, for he could not believe, that any people would be so indifferent about those institutions, which were the proofs of liberty, but he never would consent, that any measure which it was thought necessary to adopt for the promotion of public liberty in this country, and the improvement of its institutions, should be refused to the people of Ireland. It had always been his desire, that beneficial measures, more especially those which would extend popular liberty, should not be confined to England. Besides, he considered this bill as a corollary from the Act of Emancipation, and he could not imagine how those who had supported that measure could deny their assent to one which might be regarded as a direct consequence of it. Having determined to concede to the people of Ireland the benefit of free municipal institutions, he should not be induced in committee to make any alterations which, while in semblance bestowing those institutions, would, in fact, take them away. It had been said, that this measure was designed to transfer political power from the hands of the Protestants into those of the Catholics, but he saw nothing in it to warrant that inference. Considerations of party ought not to sway them in attempting to remodel those institutions. There were no provisions in this bill which would take away the power from any individuals on account of their principles. If the bill should have such an effect in any case, power would be obtained in proportion to the influence of the candidates. If the greater share of power should be found to rest in the hands of the Roman Catholics, it would be because they were the most numerous. Some noble Lords appeared to be hostile to this bill, because it had not come up to them at a proper time. That might be a good argument in the case of a bill which could have originated with their Lordships, but the present bill was one that came peculiarly within the province of the other House, and of which the representatives of the people were the most fitting judges. He saw that this bill contained many improvements on that of last Session, and it appeared from what the noble Viscount opposite had said, that it had been the object of the framers to meet the wishes of their Lordships. If the insertion of the new clauses, which so much swelled the bulk of the bill, arose from the opinions expressed by their Lordships last year, certainly that ought to have great effect in inducing them to adopt it. The noble Duke below had said, that the total abolition of the Irish corporations would be a great improvement. He (the Earl of Wicklow) was not disposed to deny this, believing, that in the present state of society these institutions were by no means so necessary as they had been, but he never would be a party to enforcing this principle in Ireland when it had not been introduced into England.

Their Lordships divided on the original motion:—Contents 59; Not-Contents 8: Majority 51.

List of the NOT-CONTENTS.

EARLS.
Roden
Charleville
Glengall
Bandon.

VISCOUNT.
Gort.

LORDS.
Dunsany
Rayleigh
Farnham.

Bill read a second time.

HOUSE OF COMMONS,

Monday, July 22, 1839.

MINUTES.] Bills. Read a first time:—Stage Carriages; Poor Rates Collection.—Read a second time:—Militia Ballots Suspension; Postage Duties.—Read a third time:—Inland Warehousing; Unlawful Oaths (Ireland).

Petitions presented. By Mr. T. Attwood, from the Coach Proprietors of Birmingham, against the Duties oppressing them.—By Sir J. Y. Buller, from Gloucestershire, to the same effect.—By Sir W. Somerville, from one place, against the Bank of Ireland Charter.—By Mr. Plumptre, from Alverstoke, and Liverpool, against any further Grant to Maynooth College.—By Mr. O'Connell, from the Paper Makers of Dublin, against the Penny Postage measure.—By Mr. Macauley, from Edinburgh, for further Church Extension in Scotland.—By Mr. Bannerman, from one place, and by Mr. Hume, from a number of places, in favour of a Uniform Penny Postage.—By Colonel T. Wood, from Poplar, against the Collection of Rates Bill.

INCREASE OF THE ARMY. NEW POLICE.] Lord *John Russell* wished to state to the House, the propositions which would be made by Government relative to the present state of the country in certain districts. It was the intention, then, of the Government to lay on the Table of that House immediately an additional estimate, to allow of an increase of our infantry regiments from 739 to 800 men. This estimate would provide for an increase of the numerical force of our army to the extent of about 5,000 men. The sum which would be required for the maintenance of this additional force up to April next would not exceed 75,000*l.* The constant call for military aid from various parts of the country, especially from the north of England, and the impossibility, at all events the extreme danger, of diminishing our military force in the colonies, especially in Canada, made it, in the opinion of Government, a duty incumbent on them to ask for this additional force before Parliament separated. He had also to state, that he had received a representation from the mayor of Birmingham, addressed particularly to him (Lord J. Russell), but of a public nature, and stating that in the opinion of all the magistrates of Birmingham there was nothing which would conduce so much to the permanent peace of that town as the establishment of a local police force. The communication further stated, that in the present state of things, owing to the circumstances which had occurred with respect to the corporation, and to the disturbed state of the town, they did not think that they could proceed to the levy of a rate so immediately as would be necessary to carry this object into effect. He therefore proposed to move a resolution which would enable him to bring in a bill to provide that the Treasury might have power to advance a sum not exceeding 10,000*l.* for the establishment of a police force in Birmingham, such sum to be repaid by a rate to be levied on that town. It was likewise his intention on Wednesday next to ask leave to bring in a bill to enable county magistrates to establish a constabulary force in counties, or districts of counties, for the better promotion of the peace and tranquillity of such counties and districts. Magistrates had at present the power of swearing in special constables, when any apprehension was entertained of a breach of the peace. They had not, however, the means of defraying the expenses of any such increased force; and the bill would provide these means. He had thought it convenient to announce these intentions on the part of the Government to the House; and when the bills were before them he would explain himself more at large.

CONCURRENT JURISDICTION OF COUNTY MAGISTRATES.] Sir *E. Wilmot* had seen it stated in the public papers, that the highest judicial authority in this kingdom had declared it to be his opinion that county magistrates have no concurrent jurisdiction in any borough. Did the noble Lord recollect that the 111th section of the Municipal Corporation Act in its first part gave this concurrent jurisdiction to county magistrates in all boroughs which had no Quarter Sessions? The last portion of the clause exempted those boroughs which possessed Quarter Sessions. He wished to know whether Birmingham, which had no Court of Quarter Sessions, could therefore be considered as exempt from the concurrent jurisdiction of the county magistrates?

Lord *J. Russell* expressed his regret that his hon. Friend the Attorney General was not in the House to answer this question, with the authority which belonged to his position and to his knowledge of the subject. He could state with confidence, however, that the opinion of that hon. and learned individual, as well as of his hon. and learned Friend near him, the Solicitor General, was, that the corporate magistrates and recorders of boroughs, where a Court of Quarter Sessions was held, were alone entitled to exclusive jurisdiction in the case where the Court of Quarter Sessions had existed previously to the passing of the Act; and that in the case of boroughs to which a grant of Quarter Sessions had since been made, and still more where no Court of Quarter Sessions existed in the borough, the county magistrates retained their jurisdiction concurrently with the local magistrates.

Sir *E. Wilmot* expressed himself much satisfied with this answer, which was so distinctly opposed to the opinion given in another place.

ANGLO-SPANISH LEGION.] Captain *Boldero* stated, that on the 26th of June, 1838, with the unanimous assent of the House, it was agreed that "a humble Address be presented to her Majesty, praying that her Majesty would be graciously pleased to direct her Minister at the Court of Madrid to use his best endeavours to procure an early settlement of the claims of the Anglo-Spanish Legion." He wished to be informed by the noble Lord the Secretary for Foreign affairs what further steps he proposed to take in this matter?

Viscount *Palmerston* replied, that the first step was obviously the examination of accounts, with a view to obtaining a return of the actual sums due to each claimant. The commission which had recently been sitting in London had examined into all these claims, and reported upon each. The parties had been all furnished with certificates; but every one knew the state of penury to which the Spanish government was reduced. Under these circumstances, it was not easy to obtain payment of these sums. He regretted to find that a great number of persons had disposed of their certificates for little better than a nominal value; for he felt assured that they would ultimately be of a real value. He could assure the hon. and gallant Gentleman that no efforts would be omitted by her Majesty's Government to induce the government of the queen of Spain to make these payments as speedily as possible.

TRADE WITH SPAIN.] Viscount *Sandon* wished to ask the noble Viscount whether any progress had been made in forming a commercial treaty with Spain.

Viscount *Palmerston* said, that great efforts had been made by her Majesty's Government to induce the government of Spain to enter into a commercial treaty which would be obviously to the advantage of the Spanish government. Almost all the principal articles of foreign produce prohibited by the Spanish government were invariably obtained by the process of smuggling, by which means the government of Spain lost all the benefit in the shape of taxation which would arise from their regular importation. But there were old interests invested in the maintenance of this system of abuse, interests which it was extremely difficult to overcome. There were also persons in Spain who imagined that Catalonia produced excellent manufactures, the fact being that these so-called domestic manufactures were imported from England and sold for the productions of Spain. The prejudices which subsisted in many parts of Spain were so strong, that he feared, until the civil war came to a close, he could hold out little hope of their concluding this commercial treaty.

POSTAGE DUTIES BILL.] The *Chancellor of the Exchequer* moved the second reading of the Postage Duties Bill.

Mr. *Goulburn* did not intend to engage in a discussion, or to call upon the House to vote against the second reading of this bill, which he had only had in his hand that morning; but he must be allowed to say, that he never saw a better specimen of a summary mode of disposing, not only of the question of postage, but of a great many other public questions. The bill gave the Treasury the absolute power of reducing the duty, or of raising it, exactly as they might think proper, without any limitation whatever. He never saw a bill which gave such large discretionary powers, and if it were carried, there was no reason why those two great branches of the revenue, the Customs and the Excise, should not be regulated by the same compendious contrivance, that of giving unlimited power and discretion to the Treasury. The right hon. Gentleman, the Chancellor of the Exchequer, had stated, on a former occasion, that the Treasury already possessed the power of reducing the rate of postage. Now, he wished to call the attention of the House to the way in which that power had been conferred, because it would bring to their notice the manner in which the support of the House was obtained, to measures, the operation of which, at the time, was by no means foreseen. The right hon. Gentleman acted wisely in not relying entirely upon the powers which he already possessed, when he proceeded to reduce the rate of postage, for he (Mr. Goulburn) was sure that such a course would have caused a great outcry on the part of every man acquainted with the way in which the power in question had been obtained. The act of the 7th William 4th, and 1st Victoria, cap. 34, proceeded upon the old and true constitutional principle of laying down the rate of postage, payable upon every letter according to the distance. The act gave no power to the Treasury to remit any part of the charge, but stated specifically what the charge should be in every case, a whole page of the act being devoted to these details. That act passed on the 12th of July, 1837. The date was important. On some day in July, it was stated to be expedient to regulate the postage of letters to the East-Indies, and a resolution was proposed in consequence, respecting the rates of postage of letters to the East-Indies, and particularly with reference to those carried by way of Suez. But it was not understood that the resolution was intended to relate to the postage upon any other letters than those directed to the East Indies, and no observation was made to that effect, either on the resolution being agreed to, or the report being received. A bill was brought in to carry into effect the resolution, and no one could imagine that a bill to regulate the postage of letters to the East-Indies, would contain a provision, enabling the Treasury to reduce the rate of inland postage in this country. However, the bill was brought in, and its title expressed, that it was a bill " to impose rates of packet postage on East-India letters, and to amend certain acts relating to the Post-office." Now, the resolution on which that bill was founded related to the East-Indies alone, and not a word was said, in any stage of the measure, about inland letters. Must it not then be said, that this power was obtained, in the first instance, by deceiving the House? It was in this act, and this act only, that was contained the power to the postmasters to reduce the rate of postage on colonial and inland letters, and any other British postage, to such extent as the Lords of the the Treasury should direct. He agreed that it was very prudent of the right hon. Gentleman, not to rely exclusively upon that power. Then with regard to the present bill, he had only to say, that in an arrangement of that complicated nature, there never had been a bill of this nature submitted to Parliament before. They were about to risk a revenue of 1,500,000*l.*, and to trust entirely to the superior judgment of the Treasury to devise the means by which the plan was to be effected. They were giving to the Treasury enormous powers—the power of augmenting the rate of postage without limit, the power of interfering with the right of franking, either wholly or partly; so that an order of the Treasury might declare, that the House of Lords should alone be deprived of the right of franking, or that county Members should be excluded from it, or that Members for boroughs might enjoy it exclusively, or, in fact, impose any other restriction it pleased. It was to have the whole discretion as to the covers being on stamped paper, or a stamp being placed upon letters, while the bill contained, as far as he was aware, no penal provision to prevent forgery. The whole matter was to be left in the hands of the Treasury. By this bill, therefore, they were about to confide to the Treasury powers which might be fatal to the best interests of the country, and which, under any view, could not be had without considerable danger.

Sir *R. H. Inglis* shared in the opinion of his right hon. Friend, the Member for the University of Cambridge, that it was not fit or prudent to give to the Chancellor of the Exchequer and Secretray of the Treasury the power contained in this bill. He contended that the power of altering the rates of postage, however objectionable those rates might be, was a power which constitutionally ought not to be given to any individual. There was nothing in the bill to prohibit the Treasury, not only from taking the privilege of franking from the House of Lords, and continuing it to the House of Commons, but of continuing it only to one class of Members in the House of Commons. He did not accuse her Majesty's Ministers of entertaining such a project, but of bringing forward a bill liable to that interpretation. He was sure there was not one person in the House who believed that this bill had received the cordial support of her Majesty's Government. He would ask, if it were not absolutely forced upon some Members of the Government? He would ask, the Chancellor of the Exchequer to state whether he did not bring forward this measure in opposition to the Postmaster-general, and all those officers, whether past or present, who had been, or were connected with the fiscal arrangements of the Post-office? If the bill could be defended upon the ground of its giving to the poorer classes the advantages to be gained from it by the wealthy classes, he believed it would receive a more general sympathy on his side of the House. But it did no such thing. It was a plan in itself for the benefit of the great traders. It was a plan which had been brought forward to obtain public favour. He certainly did think that it had been introduced partly on political grounds, and partly, but mainly, for the purpose of benefiting great mercantile houses. Look to the number of mercantile men that had been examined before the committee; look to the number of the petitions in favour of the proposed plan, which they did not conceal would be highly advantageous to them. Before the franking privilege was limited, they had heard that it was worth, to a mercantile house, from 300*l.* to 800*l.* a-year. At present it could not be worth less than 300*l.* The great advantage, therefore, which this plan held out to mercantile houses was the cause of the numerous petitions which had emanated from them, and of the meeting at the Mansion-house two or three weeks ago. He would, therefore, resist this bill. He must advert to a minor point, namely, the privilege of franking. He did not understand why this was to be abolished; or why, because a tax was to taken off others, a tax was to be imposed on Members. It would be, to those who had much correspondence, at least 15*l.* a-year, at the reduced rate of a penny for every letter sent. To the revenue the saving to be obtained was so small, that he hoped the House would not consent to rescind that privilege. He had said, that this bill was proposed on political grounds. He would go so far as to say, that he believed no persons had been more disappointed with the division that had taken place upon this question than her Majesty's Government. He fully believed that her Majesty's Government would rest perfectly satisfied with the glory of having made the concession, that they would very willingly dispense with the triumph of a vote in their favour; and he ventured to hope that, in a future stage of the measure, the vote now for its support, would be changed into one against it. This he the more earnestly and confidently hoped, from a conviction that the affairs of the country were in a state which did not permit a relinquishment of any part of the revenue, especially a portion of the revenue so large in amount, and so easy of collection. The real question before the House was not, whether the Government could send the letters of the community from London to Edinburgh for one-twelfth of a penny each, and, therefore, ought not to charge a shilling, but what it would cost each individual to forward his own letters, if no such thing as a post-office existed. It had been observed, in support of the measure, that Parliament, so far from interfering with the interchange of ideas, ought to do everything in their power to promote that object. He submitted that, in the present state of society in this country, it was too late to make use of any argument of that kind. Why, he would ask, had they not acted under the influence of that consideration in the reign of Charles 2nd; Why not in the reign of William 3rd? Why not at different times since then? In the present state of the revenue, he thought it would be most unsafe to incur the hazard of losing so large a sum as it was stated in the evidence they were likely to lose by the proposed change. On these several grounds he did not hesitate to move that the bill be read a second time that day six months.

Mr. *F. Baring* regretted, that the right hon. Gentleman should have alluded to what had taken place on a former occasion without better informing himself upon the subject. The right hon. Gentleman was quite under a mistake as to what had taken place upon the introduction of the clause in the bill of 1837 to which he referred. He recollected perfectly well what had taken place upon that occasion. He had himself proposed that clause, but not, as the right hon. Gentleman said, in an indirect way. He had at the time, in answer to a question as to the nature of the clause, explained its object. He had stated, that it was advisable to give to various parts of the country the advantage of the railroad communication, which while it in many cases increased the distance, would create a saving in point of time; that by the law, as it then existed the charge of the postage upon letters was made according to the actual number of miles gone over, and that it was, therefore, necessary to introduce the clause he had brought forward to prevent the increase in the rate of postage which must otherwise have taken place where the railroad communication was increased in point of distance. The clause had been acted upon in the sense in which it had been introduced. It had been introduced for the purpose not of creating such great reductions as were proposed by this bill, but of getting rid of small grievances, and reducing the postage in small cases. The right hon. Gentleman stated, and stated fairly, that this bill conferred great powers; but it was not intended that they should be pushed to their fullest extent. The greater the readiness with which the House placed confidence in a certain department of the Government, the more incumbent was it upon that department not to abuse that confidence by exceeding the necessary exercise of the powers confided to them. He begged to remind the House that the bill contained a fair degree of restriction; and if any further check should be deemed advisable, he was ready to allow its introduction, provided it would not get rid of the power necessary for carrying the plan into operation. The bill conferred the power upon the Treasury of adopting the plan of payment by stamped covers, or in such other way as they should think fit, and also of carrying the bill into effect at what time and in what manner they should think advisable. Those powers, which did not extend beyond that, must be given to some part of the Government. Let them propose what plan they pleased, he considered it not only advisable, but absolutely necessary, to give to the Executive department the power of carrying the reduction of postage into effect at such time and in such manner as they might think fit. Gentlemen who thought, that by Act of Parliament on a specific day a particular arrangement should take place all over the country could not possibly be aware of the difficulties which were opposed to such a course. Where there would be a great increase of business there would consequently be an increase of errors; and if they were suddenly to throw open the flood-gates of the establishment, they might not only inconvenience the public service, to the ruin perhaps of many individuals, but they might endanger the stability of the establishment itself. A Gentleman had recently told him, that he had lost 3,000*l.* by the delay in the delivery of one letter. The system, must therefore, be introduced most carefully. The right hon. Gentleman had stated, in reference to the privilege of franking, that under the bill the Treasury had the power of taking it from the House of Lords, and continuing it to the House of Commons, or any portion of its Members. Perhaps the bill did confer that power as it was worded. He would only say, that the word "partly," in reference to the privilege of franking referred not to Parliamentary but to official franking, and he would readily consent to any alteration to that effect. The right hon. Gentleman likewise said, that the Treasury had the power of inflicting penalties by a simple warrant; but if he would look at the bill, he would find, that it only alluded to the penalties imposed by the acts now in force relating to the stamp duties.

Lord *Seymour* differed in opinion with the hon. Gentleman who had just addressed the House. So far from thinking, that this bill would not be beneficial to the lower classes, he thought, on the contrary, that it would confer great benefit upon them. He believed, that one of the great disadvantages which the poor at present had to suffer, was the want of easy and cheap communication with their friends. Now, with respect to the privilege of franking, he and another hon. Member of the House had gone to the Post-office to make inquiries on that point, and he was there told by the secretary, that some Members of the House were in the habit of using their privilege, to evade a payment, by franking more than the allowed number of letters, and that one of the Members who was particularly remarkable in this respect was the hon. Member himself.

Sir *R. Inglis* said, that when the noble Lord presumed to connect his name with a practice which amounted to nothing less than attempts to cheat the revenue, he felt bound to call the noble Lord to order, and he felt assured that he did not ask too much of the House, when he begged permission to state his invariable practice: that practice was, to keep not merely a regular account of the number of letters which he franked, but to enter the names of the individuals to whom they were addressed. If other gentlemen could state as much, it would afford him pleasure. The statement made to the House by the noble Lord was not one for which he had the least warrant in any evidence on the table of the House; and moreover, the statement to which he referred had not been, as far as he knew, made in any quarter in the terms in which it had been delivered to the House by the noble Lord. He had understood that the Secretary to the Post Office had stated that three members of that House were watched, and that he was one of those Members. He should not state who the other Members were; all he should say was, that he had been one of the number: he should state also, that two hon. Friends of his who lately went to the Post-Office, made inquiries on the subject, and the result was, that upon one occasion, and upon one only, had he been found to exceed his privilege. He certainly was accustomed to equal his number of franks, but very rarely to exceed them, and never intentionally; most rarely, indeed, had he ever exceeded the privilege; he had done so once, but if he had done so ten times, during the period that he had a seat in that House, it would not perhaps have been extraordinary. He felt ashamed to state to them as a gentleman, that he had never exceeded his privilege intentionally. When it had been imputed to him that he had been guilty of attempts to cheat the public revenue, he was sure the Speaker, if the noble Lord rose again, would call on him to state what he meant by the observations which fell from him on the subject of the privilege of franking having been exceeded.

Lord *Seymour* said, he should be ashamed of himself if he had said anything personally offensive to the hon. Baronet, and he begged, therefore, to apologise for the expression he had used.

What he meant to state was, what he had heard in the committee and from the Post-office, that the hon. Baronet was one of those who valued his privilege of franking so much, that he frequently exceeded his number. He had only said what had been stated to him and other Members of the committee. He did not know whether the hon. Baronet was satisfied. He did not undervalue cheap communication throughout the country. He believed that for some time the plan that was proposed would occasion a defalcation in the revenue; but he was sure that if power were not given fairly and fully to carry this plan into effect, they would not only lose the advantage of revenue, but also the advantage of giving to the people cheap communication.

Mr. *Wallace* said, that he had gone to the Post-office with other members of the committee, and he had been shown, among other things, the table were franks were taken which were above the proper number. Whether as a matter of joke he did not know, but it had been stated, in reply to a question, whether an accurate watch was kept over the franks, that it was impossible to do that, but that a few Members at a time were always watched, that that process was going on at that time, and amongst the number was the name of the hon. Baronet; his own name and the name of a third person whom he did not recollect. As a matter of joke, as soon as he saw the hon. Baronet, he told the hon. Baronet that they were both in the same list, when the hon. Baronet convinced him it was almost impossible, for he pulled out a list in which not only the franks were entered, but also the names of the individuals to whom they were sent. He was, therefore, quite sure that the hon. Baronet only claimed what was partly his due when he said that he kept as accurate an account as any other Member. For his own part he would offer no apology. With regard to the privilege of franking he was perfectly ready to give it up for the sake of the general benefit which he thought this bill would confer on the people at large. With regard to the powers proposed to be given to the Treasury, he certainly thought, considering that those powers would cease on the 1st of October in the ensuing year, they would be in safe keeping in the hands of the Treasury. He was convinced that this bill, if it were passed into a law, would give to the poorer classes of this country one of the greatest boons that could possibly be conferred on them, whilst it would be hailed also by the higher classes as a very great benefit. If it should happen that a falling off of the revenue was caused by adopting this measure, he was sure that the representatives of the people would be ready and willing make up the deficiency.

The *Chancellor of the Exchequer* would have been disposed to have left this bill on the explanation of his hon. Friend the Secretary of the Treasury, had it not been for the declared intention of the hon. Baronet (Sir R. Inglis) to take the sense of the House against the second reading; and if the hon. Baronet had not also in the course of his observations thrown out certain suggestions respecting the conduct of Government which required an answer. He was quite sure that the explanation of his noble Friend was calculated to remove any unpleasant impression that might for a moment have arisen in the mind of the hon. Baronet. Undoubtedly, his noble Friend had never intended to apply to the hon. Baronet any intention of evading the payment of postage. Whether the hon. Baronet, or any other Member, had ever exceeded the number of franks permitted, such a thing might be attributed to any Member without inferring any moral reflection whatever. To those most conversant with the accurate habits of the hon. Baronet he had given a new proof of his love for accuracy, for he had not only chronicled the number of his franks, but every person to whom they were sent. No one, however, required to be told this, either as a proof of the hon. Baronet's accuracy, or of the fact of his being incapable of violating any law, or making any improper use of the privilege conferred upon him. He could not pass this question of official franking without suggesting that the hon. Baronet must have been sadly at a loss for an objection when he suggested the possibility of this, or any other government, using the powers given by this bill for the purpose of conferring the privilege of franking on one branch of the Legislature and withholding it from another, or of conferring it on one side of the House to the exclusion of the other. When the hon. Baronet was obliged to have recourse to such an imaginary danger as this, he thought he had a right to conclude that there was a singular deficiency of real argument against this measure. The hon. Baronet had stated that undoubtedly there was a very strong feeling on the part of our great mercantile interest in favour of the present measure. So far from that being an objection, it was rather with him a very strong recommendation of the measure. Undoubtedly, a great portion of the evidence rested on mercantile grounds, and if it rested simply on that, he would say it was in itself a recommendation of the bill. Was it to be said, that this measure alone, of all financial measures, was not to be attended to, because the trading, the manufacturing, the commercial, and the banking interests were concerned in it? He knew that those parties would be greatly benefitted; but he confessed, that it was from those parties that he looked for a considerable proportion of revenue to remunerate the Treasury for the loss occasioned by the benefits which the people generally would receive. The hon. Member for the University of Oxford had spoken of the extraordinary powers given to the Treasury by this bill, upon which he had been partly answered by his hon. Friend, the Secretary to the Treasury. It was hardly possible, in adopting so extensive a measure as the present, to be able to legislate for all the details and circumstances which might be expected to arise, and therefore it was necessary that in the meantime powers of a large and comprehensive nature should be given to the Treasury. But whatever these powers might be, it should be borne in mind, that not one of them would survive the next Session of Parliament. No doubt, the new system would involve the necessity of increasing the Post-office establishments to a very considerable extent, and in his opinion, it would neither have been wise nor just to increase them to such an extent without previously obtaining the sanction of Parliament. Believing, also, that the system would involve a considerable loss to the public revenue, he did not think it wise or constitutional to encounter that loss without further obtaining a pledge from Parliament, that that deficiency should be supplied: that pledge had been given by the House, and had been most fairly and handsomely repeated by the hon. Member who presided as chairman of the committee on the subject of the Post-office. He would not now enter into the financial details by which this pledge might hereafter have to be carried into effect; that would be a subject for future legislation, and all he could now say was, that he had proposed it in perfect good faith, and that he believed it had been given in an equal spirit of good faith by the House. He relied entirely upon the good sense and good feeling of the House of Commons, to keep up the public credit of the country, and to make up any deficiency which might occur in the public revenue of the country by the adoption of this measure. With respect to the Parliamentary privilege of franking, which the hon. Member for the University of Oxford still supported, and, he hoped, stood alone in supporting, it was true, that the sacrifice of that privilege might be small in amount; but at the same time, be it small or great, he thought, that there would be not one feature in the new system which would be more palateable to the public than this practical evidence of the willingness of the Members of this House to sacrifice everything personal to themselves to the advantage of the public revenue. It was true, that the privilege of franking had been used to a great extent by the heads of public departments; but that was a power which had been a great deal abused, and in future it would be better, in order to avoid that abuse, that every department should pay its own postage. Every department had a direct interest in keeping down its expenditure; but there was no one which felt much interest in keeping down the number of franks. At the same time, he thought, there might be cases in respect to public documents in which it might be necessary to retain the privilege to a certain extent; but upon this point he would not enter further at present, as it would one day become the subject for Parliamentary interference. He would certainly preserve the right of communicating to the public in the country the Parliamentary papers; but, at the same time, he thought, that there should be some restriction on the privilege of forwarding the very heavy volumes of reports which were published by the House; or, rather, that there should be some new regulations adopted, by which the public might derive all the benefit of this privilege without throwing an obstruction in the way of the prompt transmission of other communications of more immediate importance. Now, also, that they had made their vote-office an office for the sale of their papers, he thought it would be hard that a bookseller, who might purchase 300 copies of any particular document, should be able to call upon the Post-office to transmit this heavy load of volumes by the quickest mode of conveyance, to the obvious obstruction of other and more pressing calls for the public service. With respect to bills, he thought, that as they affected the future legislation, they could not be too promptly conveyed to the hand of the public. Having on a recent occasion so fully stated his sentiments upon this subject, having more particularly stated the only objection which he entertained to this scheme, namely, on the score of revenue; and, having obtained from this House, by a large majority, a pledge that any deficiency which might occur to the revenue should be made up, he would not now trespass further upon the attention of the House than, in conclusion, to move the second reading of this bill.

Sir *R. Peel:* I will in the first instance refer to two or three minor points which have been alluded to on the assumption that this bill will ultimately pass into a law. Assuming that to be the case, I do not concur with my hon. Friend, the Member for the University of Oxford, that it would be desirable, that the Members of this House should retain their Parliamentary privilege of franking. I think, if it were to be continued after this bill came into operation, that there would be a degree of odium attached to it which would greatly diminish its value. The reason for keeping it up will, in a great degree, expire with the passing of this bill, for when Members of Parliament can receive their communications for a penny each, it will not be necessary to preserve the privilege of franking. With respect to official franking, whether the bill pass into a law or not, some alteration would be advisable. So far as the measure is an experiment I concur with the right hon. Gentleman opposite, that new regulations ought to be adopted. I think it would be advisable to require, that each department should specially pay the postage incurred in the public service of the department. If every office be called on to pay its own postage, we shall introduce a useful principle into the public service. There is no habit connected with a public office so inveterate or so difficult to be laid down as the privilege of official franking. But the benefit of adopting a new principle will be this, that the man who, acting on an uniform practice, and who, from the force of an established habit, would not refuse to frank a packet of letters for a friend, would refuse to take eight or nine shillings out of the public coffers by conferring a similar obligation under the new system. Of late years a very great extension has taken place in the practice of official franking Indeed, within the last two Sessions a great increase has taken place in the number of persons admitted to frank, and this bill convinces me, that it would be advisable to take this privilege under some new regulation. With respect to the privilege enjoyed by Members of the House of transmitting without restriction voluminous documents at the public expense, I certainly think, that this is a privilege liable to very great abuse. It is monstrous, that a Member of Parliament may send 150 volumes of Parliamentary papers of the present Session, and two hundred volumes of a former Session, through the post-office without any restriction or any charge. I apprehend, that the advantage of this privilege is very much over-rated, and I am sure that it acts very unequally. I am sure, that there are many Members of the House who would object to send packages in this way through the post-office. I am sure that there are many Members of the House who would shrink from the exercise of such a privilege. With respect to the particular regulations to be adopted, I will not now offer any opinion, but some regulations are undoubtedly desirable. I am convinced, that if the 658 Members of the House were to send the whole of the blue books received during the Session through the post-office, it would be attended with the greatest inconvenience to that department, and I shall concur in any regulation that may appear calculated to control that privilege within proper limits. There might still be the permission to purchase the papers at the public office in the usual way; but if every person can procure these books at a very cheap rate, I see no reason why the public should be called upon to pay the charge of sending them through the post-office. I stated on a former night, that, having deliberately protested against this measure, I should not think it necessary to meet its further progress with any vexatious opposition. I am not surprised, that my resistance to this measure has been ineffectual. I know very well, that whenever the

Chancellor of the Exchequer declares himself in favour of the remission of any tax all resistance to such remission becomes vain. I know very well, that if the Secretary of the Home Department were to declare, that the disturbers of the public peace were to be kept free from any control or interference, we could expect nothing but to have the country overwhelmed with confusion and disturbance. The Chancellor of the Exchequer has the control with respect to taxation, and when he declares his intention to remove a tax, all resistance must prove unavailing. I stated that, in the present circumstances of the public revenue, I objected to increase the risk, and I think, that the right hon. Gentleman has given me a very ample vindication of the course I have pursued. The right hon. Gentleman says, that he wishes that more time had been given for consideration, and that he might have full means of estimating the loss of revenue. The right hon. Gentleman admits, that he ought not to have brought forward the subject without the calmest consideration. Suppose that the right hon. Gentleman had asked time for that, and had asked the House to consent to a postponement till next Session, and that notwithstanding he had been overborne by the sense of Parliament, in that case, the responsibility would rest upon the House, but at present the responsibility rests with the right hon. Gentleman himself. The right hon. Gentleman will succeed in carrying his measure, for it cannot be effectually opposed. I think, however, that in opposing this proposition I have done right, and I am desirous that the public opinion shall be pronounced on my conduct, not now or in two months after the passing of this bill, but on the day when Parliament must either abandon its pledge or be called on to make good the deficiency. The whole pledge amounts to this (and it is contained in the preamble), that Parliament will make good any deficiency that may occur. That is the whole amount of the pledge. There is no enactment, no recital in the preamble of its nature, or the extent to which it is to go. Now what passed the other night? My objection was, that no one could fix the time at which Parliament would be called on to redeem the pledge. The right hon. the President of the Board of Trade acknowledged that there would be a considerable deficit, a thing always to be deprecated in a great commercial country, and stated that in the next Session we shall be called on to redeem our pledge, and to fix a new tax to supply the deficiency. That was the only distinct intimation we have had of the time when the redemption of the pledge will be required. When the right hon. the Chancellor of the Exchequer says that his present conviction is that Parliament will redeem the pledge, he should bear in mind the reservation with which many hon. Gentlemen on his own side of the House accompanied it. The hon. Member for Greenock says, that he will cheerfully bear his part in supplying the deficiency; but I do not understand him to construe his promise as the Chancellor of the Exchequer construes it. I understand him to say, that if eventually there shall appear a great deficiency he will then consider the means of replacing it. Then the hon. Member for Bridport means to redeem his pledge, not by taxation, but after the reduction of postage shall have had what he considers to be a sufficient time for fair trial, he will consent, not to reduce taxation, but to endeavour, by some new arrangement of the revenue, to give such a stimulus to commercial industry as will, after another lapse of time, make up the deficiency. Sir, I have before expressed my apprehension that, without reference to the Post-office, there must be a continued and increasing deficit in the revenue, and this apprehension has been confirmed by what I have heard this evening. I have heard that Government, feeling themselves bound by an imperative sense of duty, propose to make an addition to our regular force of 5,000 men, which will incur an expense of at least 150,000*l.* a-year. We also hear of measures for the establishment of a rural police throughout the country. There may be necessity for both these measures—I say not one word as to their policy. The circumstances must be grave indeed which call on Government to submit them to the House, but what will be the effect of those measures on the revenue of the country? Shall we be able to meet this increase without reference to the Post-office? I fear, on the contrary, that the deficit now existing will be increased, and that next year it will be much greater than at present. But I will not over-rate these difficulties. I do not deny that great social and commercial advantages will arise from the change, independent of financial considerations. Even if the scheme had not been proposed, I think the evidence which has been laid before the committee would warrant a considerable reduction in postage. I think we should have made the experiment of a partial reduction. It has been said that the principal advantage of this measure will be felt by the commercial interests. If so, it will only be a greater recommendation to me, for wherever commercial intercourse is facilitated, the result must be the general benefit of the country. The change must also in its extent contribute to the improvement of the lower classes, although I think that the probable benefit has been greatly overrated. I think that at least we should have had an opportunity of getting at something like the exact extent by which the correspondence of those classes would be increased before we proceeded to legislation. We might, for instance, ascertain what is the extent of the correspondence of soldiers and sailors, who, at present, have the advantage of a penny postage. It would be a matter of great importance, in fact a material element in the consideration of this question, to ascertain to what extent those parties have availed themselves of these advantages. You should recollect also that the abolition of the Parliamentary privilege of franking will in itself limit the correspondence of the poorer classes, because that privilege is often at present used for the benefit of those who cannot afford even a single penny. Thus, there is an advantage of sending a letter without any charge, for which even the general reduction to one penny will not compensate. I do not state this as an objection to the measure; I merely state it as a reason for thinking that you have rather over estimated the advantage which the poorer classes will derive from the change. Well, Sir, supposing there is a great defalcation in the revenue, by what new tax would you propose to redeem your pledge? You remit this tax on the principle that all high taxation is impolitic; for that reason you reduce the postage from 6¼ to to 1*d.*; but on what article will you increase the taxation? I look through the long list of malt, hops, candles, coffee, &c., and I ask on which of them you expect to raise a tax of two millions a-year? Can any man deny that there will be enormous difficulty in subjecting any of these articles to a new duty? All the advantages obtained for correspondence will not diminish the objections to whatever tax you may propose. I say, then, that I do not deny the advantages that will result from the remission of this tax, for there is no tax the remission of which would not be of benefit to the community. There is, for instance, the tax on internal communication, the repeal of which would redress a balance of injustice, because in that part of the country in which there are no railways, and is, therefore, cursed with imperfect communication, there is a charge on posting of two-pence a-mile, whereas, in those parts traversed by railways, while the people have every facility of travelling, they are free from charge. Why, no one will attempt to deny that the abolition of this tax would be a general benefit; but we are precluded from the consideration of that claim by the pressure of the postage measure. The Chancellor of the Exchequer will not listen to any proposal for reduction of taxation until this is disposed of. For my part I do not say that in the present position of our finances, I will not vote for any reduction of taxation. I attach so much importance to the preservation of public credit, so certain am I that, at a general election, the present measure might serve as a precedent for a Government to court popularity, by proposing to reduce a tax, throwing the task of supplying the deficiency on their successors, or trusting that some future Parliament will redeem the pledge of the one now sitting, that I shall not give this measure my support. Sir, I have been taunted with making this a party question, but I came down here to-night prepared to adhere to the engagement I entered into on a former stage of the measure—to content myself with entering my protest against the principle. However, if my hon. Friend is determined on dividing the House—although, as the sense of the House has already been so fully expressed, I think it unnecessary to press it to a division. I shall certainly vote with him. However, my own intention is not to trouble the House with any harrassing opposition, but to content myself with the protest I have already entered.

Mr. *Warburton* repelled the charge that he was not inclined to maintain faith with the public creditor. On all occasions had he been prepared to maintain public credit; and on several occasions he had supported the right hon. Baronet, when he was attacked for doing so. He was of opinion that as the rates of postage were diminished, a great increase to the postage revenue would be made. Mr. Rowland Hill had calculated that there would be a six-fold increase; that from the number of contraband letters, there would be an increase of double the number, and that, independently of the contraband letters, the increase would be two-fold, making an increase of four-fold. The number of invoices (according to Mr. Cobden's evidence) which would be sent by post with a penny postage, instead of in parcels, would be 50 per cent. on the present number, and the additional number of letters from the working classes would be 75 per cent. Upon the whole, therefore, the estimate appeared exceedingly moderate, and he thought that the result of the experiment would fully realize, if not exceed it. It was, he owned, a bold experiment, but he had no doubt that, when the result was known, the predictions of the sanguine supporters of the plan, would be realized.

Mr. *Elliot* said, he would trouble the House with a few remarks, as he had had some experience in a post-office department. In India, it had been found that the number of soldiers' and sailors' letters had increased to such a degree as to be a matter of complaint: they were so numerous as to be sent in boxes; and this arose solely from the circumstance of their light postage. There would be a difficulty in the pre-payment of postage in this,—that when a postman had delayed a letter, he would throw it in the fire, and the party to whom it was addressed would have no knowledge of the matter, unless every free letter was registered in a book. If some check was not resorted to, he feared there would be very great complaints on the subject of pre-paid letters. There must be also some mode devised to allow of letters being sent without stamped covers, (where persons were burried and had no stamps,) and to secure the delivery of such letters. In India, the post-office was obliged to make a rule that no such letter should be received unless a slip of paper was delivered at the office with the letter, which was stamped and re-delivered to the person who brought the letter. But the most important matter was to invent a check to secure the delivery of pre-paid letters.—Bill read a second time.

DUTY ON FIRE INSURANCE.] On the motion for going into Committee of Supply,

Colonel *Sibthorp* submitted a motion for the reduction of the duty on Fire Insurance. When the tax was first levied its amount was exceedingly small; but it had subsequently increased under the pressure of the war, until at last it became extremely burdensome from its amount as well as very unjust, unequal, and partial in its operation. Now it ought to be reduced; and he was sure that a diminution of the tax, so far from reducing the revenue, would materially increase it; for many persons who were anxious now to insure their property were deterred from doing so by the high rate of the insurance duty. He confessed he did not see why this tax should not be reduced, when he found the import duties reduced on castor oil, and human hair, on rhubarb and raisins, on anchovies and French wines, and finally on the essence of bergamot and the balsam of copaiba. The gallant Member concluded by moving a resolution that from and after the 5th of April next, the duty on fire insurance be reduced to one-half the amount now levied.

The *Chancellor of the Exchequer* could not agree to the motion. The state of the revenue was not such as would warrant him in entering upon any additional experiment beyond that in which he was now embarked with respect to the Post-office.

Motion withdrawn; on the question again being put for the House to resolve itself into a committee of supply.

INTERNAL COMMUNICATION.] Mr. *Gillon*, after presenting petitions from stage coach proprietors, complaining of the depressed state of their trade, moved for a committee of the whole House to take into consideration the duties affecting internal communication, with a view of submitting to that Committee a series of resolutions for the reduction of the post-horse, public carriage, and mileage duties. He regretted that a question of so much public importance should be discussed at so late a period of the Session, and with such a thin attendance of Members. But he considered it his duty, nevertheless, to avail himself of the opportunity to urge the claims of the parties who had entrusted their interests to his charge, with the view of asking the House to give effect to these claims for a modification of the taxes which pressed so heavily upon them, and he considered it important for the House to recollect that the weight of these taxes had been greatly increased by circumstances which had taken place since they had invested their capital in that particular branch of the trade. He hoped the House would also excuse him for mentioning that, in the year 1837, he had obtained a committee to inquire into the general question of internal communication, which recommended a speedy modification of these taxes to the House. He now brought the case of these parties forward, in consequence of the assurances which had been given by his right hon. Friend, the Chancellor of the Exchequer, that he would take the recommendation of the committee into consideration, and that he would not allow the present Session to elapse without applying a remedy. The parties whom he represented, and who complained of the present oppressive, unjust, and partial mode of texation on the means of internal communication, were those connected with the old means of conveyance carried on through the medium of animal power. They had long been suffering in silence, and only now came forward when they found themselves opposed to other rivals, who were placed in a new and unexpected position of advantage. One class of those rivals were subjected to no tax at all, and the other to a tax of the most trivial amount. These facts formed, in his opinion, good grounds for the stage-coach proprietors and post-masters of this country for coming forward and stating their grievances to the impartial consideration of the Legislature. He did not complain of the existence of improved means of conveyance. He believed they had been productive of great benefit to the people. They afforded to the poorer classes the means of transporting their talents and capital to the best market at the cheapest price, and so as to make them available in the most expeditious manner. But great as was the competition which the proprietors of stage-coaches and post-masters had to contend with in regard to the use of steam-power and water carriage, it was quite inferior to the great system of railroad travelling, which was now coming into general operation, and extending itself through all parts of the country. He did not complain of the use of that great modern improvement. He objected not to it, nor to the use of steam-power in water carriage. In a public sense, he was perfectly sensible of the advantages which resulted from all of them. But what he complained of was, that they were lightly taxed, while the stage-coach proprietors were subjected to the payment of very oppressive and heavy duties. It was not the facilities afforded to internal communication that he opposed, but what the parties whose interest he represented complained of was this, that while the stage-coach proprietors paid 8*s.* 4*d.* a head of duty to the Crown, calculated on the principle that his carriage carried four passengers, for each person supposed to be conveyed from London to Edinburgh, and was charged that amount, whether his carriage conveyed such passengers or not, the owners of steam-vessels paid no such duty. The duty on railroad carriages, again, was only one-eighth of a penny per mile, while that on stage-coaches was one farthing, whether the passengers were carried or not. In a commercial country like this, Government ought to render the means of conveyance from the greatest and remotest distances accessible and cheap; but by their impolitic fiscal regulations, they had, on the contrary, aggravated the disadvantages of space. It should not be forgotten that this subject had attracted the attention of the Committee on Turnpike-trusts, who had given in their report, stating its importance as regarded the interests of the creditors on these trusts. The amount of debt which had been incurred by those trusts amounted to the sum of nine millions sterling, and the Government were bound not to make themselves accessory in preventing those creditors from recovering their debts. That committee had also recommended the subject to the speedy consideration of Parliament. It was of great importance that the House should secure to the public a competition among those who were engaged in furnishing means of conveyance. Suppose, that the old means of conveyance, for want of proper encouragement, were given up —which was by no means unlikely—the public would not receive the same attention and civility, as at present, from the proprietors of railroads. He thought it by no means improbable that those persons would then increase their charges, and make the most of the monopoly which they would thus enjoy; and in that case, would not the country justly reproach the House, if they should be left at the mercy of those who had embarked their money in these speculations for their own private interests, and with a view to the enriching themselves? Great as was the disparity between the duties levied on railroads and stage carriages, that disparity was still further aggravated by the system of compositions. As an instance of the working of that system, he would mention that by a contract entered into with the Government by the directors of the Greenwich Railway they had compounded on such terms as to be allowed to carry 1,200,000 persons for 400*l.*, which, if calculated at the amount which stage-coach proprietors would have paid for the same number of persons, would have amounted to the sum of 6,250*l.* It might be said, that an end had been put to the compounding system. He must state, however, that it had not been universally extinguished, for he found in the report of the Arbroath and Forfar Railway Company for the present year an ostentatious statement that, by means of an arrangement with the Lords of the Treasury, they had effected a composition for 10*l.*, for the conveyance of a large number of passengers. All these remarks hitherto applied more to the grievances of stage-coach proprietors and with equal force to post-horse duties, which would be annihilated by a continuance of the existing system. He would suppose a gentleman to travel post from Birmingham to London, with four post horses in which case the post-master pays a duty of 1*l.* 8*s.*; but if the gentleman puts his carriage into a truck on the rail-road the proprietors would have only to pay 4*s.* 8*d.* of duty, the difference being all in favour of the stronger party. The post-horse masters paid heavy assessed taxes besides: 5*l.* 5*s.* for each four wheeled carriage they kept for hire, and 3*l.* 5*s.* for two-wheeled carriages. They were falling rapidly into a state of poverty, from heavy burdens combined with decreasing business. He would give one instance. Mr. Johnstone, of Dunstable, for three months of the year 1837, paid 172*l.* 16*s.* 3*d.* duties, and in the same quarter of last year, the amount had dwindled down to 31*l.* 17*s.* 6*d.* The House would thus readily form an accurate opinion of the great depression of business which that Gentleman had suffered. But that was not all. These parties had to pay window duties besides, and a heavy licence duty annually to the excise for permission to carry on their trade, while large floating hotels constantly plying up and down the rivers selling all manners of exciseable liquors did not pay a sixpence duty. The victuallers' licenses on the sale of exciseable articles should be repealed altogether. The stage coach and post horse duties were diminishing, notwithstanding the great increase of population and intercourse. Let them take the aggregate amount:—In 1836 they amounted to 514,089*l.*, while last year they had diminished to 494,138*l.* It was true that his right hon. Friend, the Chancellor of the Exchequer, had given one boon to the post-horse masters by transferring the collection of the duties payable by them, from those who had farmed them, to the commissioners of excise, by which means the whole amount of duty had been brought fairly to charge in the Exchequer. But still that branch of revenue was decreasing. He would now proceed to state shortly the nature of the remedy which he would propose. It was to place all taxation as applied to railroads, post-horse duties, and stage-coaches, on a fair per centage, calculated on the gross earnings of the parties respectively; and he thought it was but right to state that that alteration was suggested by a person largely connected with railroads. The duties on railroads were unequal in operation as regarded the interests of those connected with such undertakings. On the London and Birmingham Railway the tax was about four per cent., while on the Garnkirk line, in the neighbourhood of Glasgow, it was as high as fourteen per cent. Therefore, in justice to those persons, he thought the principle he had proposed would be found extremely fair and unobjectionable. He proposed also a repeal of all the assessed taxes affecting these parties: a repeal of the licence duty on stage carriages, and of the mileage duties on stage carriages, and the duties on horses let to hire; a repeal of the 5*l.* 5*s.* duty on four-wheeled carriages, and the 3*l.* 5*s.* duty on two-wheeled carriages, and in lieu thereof a licence duty on stage carriages of 7*s.* 6*d.*, about one-half of the mileage duty presently leviable on stage coaches to be substituted; a reduction of the mileage from one farthing to about one-eighth of a penny per mile, thus allowing a small advantage in favour of the stage-coach proprietors. He proposed a reduction of almost exactly two-thirds of the post-horse duties. The probable loss of revenue by these changes, supposing no increase of travelling to take place would be; on stage-coach duty 160,844*l.*; on post-horse duty 247,069*l.*, to which was to be added the reduction of the duty on four-wheeled carriages 36,828*l.*, and on coachmen and guards 3,708*l.*, in all 448,000*l.* He contended, without fear of contradiction, that there was no branch of taxation involving greater injustice to the parties than that to which he had called the attention of the House As a justification for having brought forward the motion, at that late period of the Session, the hon. Member quoted the observations of the Chancellor of the Exchequer, on the 21st February last, during the discussion which then took place on this subject stating that the subject deserved the attention of Parliament, as it was his intention to bring a bill to correct some of the evils. He quoted those words, not with any view to raise angry feelings, but merely in justification of himself for having formerly withdrawn the resolutions which he had brought forward for the relief of the parties. He had been obliged, however, in consequence of an interview with the right hon. Gentleman a few weeks since, again to intimate to those parties that the Chancellor of the Exchequer did not intend to proceed this Session with any measure for their relief. His object was, to render internal communication more cheap and easily accessible to all parties. Sooner or later his right hon. Friend would be compelled to grant, not only this reduction, but a revision of the whole system of taxation. He would be compelled to take off all those taxes which, by pressing on the necessaries of life, weighed so heavily on the poorer classes, and in lieu of them to have recourse to a general property tax. He would leave the subject in the hands of the House, trusting that they would deal with it in a manner just to all parties. The hon. Member concluded by moving, that the House resolve itself into a Committee of the whole House, to consider the duties on the means of internal communication.

The *Chancellor of the Exchequer* would endeavour, as shortly as possible, to state the reasons why the House ought not to accede to the motion of the hon. Member. And first, he must remark, that it would, no doubt, be an extreme gratification to the inhabitants of the county of Fermanagh to find the noble Lord (Lord Cole) who represented them, seconding this motion, of which one of the objects was to introduce a new tax into Ireland, by the general equalization of duties which it proposed. It was a boon, of the value of which the people of Fermanagh would no doubt be duly sensible. As to the proposition itself, he must admit, neither on the present nor on any previous occasion, did he feel surprise that an hon. Gentleman should be found anxious to bring it under the consideration of Parliament. The progress of events had made this duty press severely, even if it were equal; but it pressed still more severely from its inequality. But this was an inevitable result of improvements which had taken place. Not a single step could be taken to advance the most undeniable improvement without pressing upon some previously existing interest. In the cases of stage-coaches and post-horses there would be evils to be endured, even if there were no tax, and those evils were, of course, aggravated by the tax. His objection was not to the principle of the proposed reduction, but to the peculiar circumstances under which it was brought forward. His hon. Friend, and those who supported him, knew that they could not approach this subject without going a great deal further. His hon. Friend's argument went to an equalization of taxation. Upon his principles, he must increase the taxes on railways, introduce the assessed taxes into Ireland, and even then, the object would not be completely attained. His hon. Friend felt that himself, and at the close of his speech, knowing where his principles would carry him, called on the House to consider the whole question of the taxation of the country, with a view of relieving the industrious and working classes from the burdens under which they now suffered, by the introduction of a property tax. He would not argue that question; but it was a serious error to suppose, that such a tax would not press on the industrious classes. It would necessarily make the investment of capital less advantageous in this country than in others, and so tend to transfer to those countries the means of productive employment. Foreign capitalists were already treading on our heels. A property tax, by giving them additional advantages, would operate seriously to the discouragement of industry in this country. His hon. Friend, in bringing forward his proposition, was entitled to the best attention of the House, from the great pains he had taken with the subject. According to his hon. Friend's estimate, there would be a sacrifice of 440,000*l.* of revenue by his proposals. Without any means of supplying the deficiency, except so far as the reduction might lead to increased communication. On any line of active communication, the reduction of the duty would not in the slightest degree increase communication. On such lines as those between London and Birmingham, or Birmingham and Liverpool, it would be utterly impossible to keep up posting or mail coach travelling. The difference of time, which was so peculiarly valuable in England, would always prevent a revival of the old mode of travelling. If, then, there was no chance of increase of communication to counterbalance the reduction of the tax, could the hon. Member, or could the House, honestly make this reduction? At an early period of the Session, on the 21st February, he had, as his hon. Friend said, declared his intention of introducing a measure on those duties. He would beg to call the attention of the postage committee, more especially, to this part of the subject. They knew, that although the report belonged to the last Session, from circumstances of which he did not complain, it was not presented or printed until subsequent to the period at which he had made that announcement. Therefore, he was not then, and could not have been, prepared to undertake that great task and great risk which he had since undertaken, namely, the reduction of the postage on letters. He, therefore, declared his intention with respect to the posting stage and coach duties, and he had then a measure in progress which would have risked some portion of the revenue, not amounting to one-half of the loss caused by the uniform penny postages in ignorance of the report of that committee. The House of Commons, however, had a right to declare which of these reductions should be made and it had most unequivocally declared in favour of postage. He was ready to make that reduction which the House had sanctioned, but not at the same time to put in jeopardy any other portion of the revenue. He was ready to do one, but not both. He had made this statement to the deputation to which his hon. Friend referred, and he did not hear from them an expression of surprise at his determination. While referring to the deputation, he would remark, that one answer which he had given had been very much misconceived. He was accused of saying that he would not propose to legislate for particular interests, and, therefore, would not undertake the consideration of the question. His argument was that the duties could not be reduced on lines where there was railroad competition without reducing them also where there was no such competition—and where, of course, there was no such title to receive relief. But to confine the reduction to particular lines would be a legislation—for particular interest to which he felt an objection. When he had proposed the reduction of postage, he was taunted by hon. Members on the other side with not having courage to resist the popular demand for it. He knew, on that occasion, that if he had resisted the reduction, he should have had the support of some of those hon. Members, but he was by no means sure that he should have had the votes of a great many who sat on the same benches. However, in opposing the reduction which was now proposed, he was making an experiment which would show how far those hon. Members would assist him in opposing the risk of a large portion of revenue without any provision for the deficiency. He knew, that in the right hon. Member for Tamworth, he should not find any disposition to fight the battle against the postage reduction by a vote on the posting duty; but he would beg to remind those who supported the postage measure, that nothing could more seriously endanger its success, than the success of the present motion. He proposed to introduce a measure which, while it would not endanger the revenue, would be of some benefit to those whose interests were affected by the posting duties. But he could not, as he already said, consent to risk so large an amount of revenue as his hon. Friend's motion involved.

Sir *T. Acland* thought that the opposition to the motion of the hon. Member for Falkirk stood on very different grounds from what it would have done, if the right hon. Gentleman had not already countenanced a similar inroad upon the revenue. He was not prepared to support the motion, which went too far; but he thought some reduction of the duty was due to an interest which was now exposed to great suffering. He believed that the small reduction of one half-penny per mile, with liberty to carry an additional passenger, whilst it would be a great relief to the coach-proprietors, would cause a loss to the revenue, not of 400,000*l.*, but of less than 90,000*l.* After the great sacrifice of revenue that had been already made, he could not consent to a proposition that would cause an additional loss of nearly half a million. If the hon. Member for Falkirk would put his resolution in such a shape as to produce an equalization instead of a reduction of duty, he should vote with him at all hazards, as he thought it was high time to take the first step towards redressing so palpable a grievance.

Mr. *Handley* was exceedingly surprised to hear what had that evening fallen from the Chancellor of the Exchequer, after the statement made by the right hon. Gentleman a few months since on this subject. The right hon. Gentleman then stated, when the subject of the reduction of the post-horse duty was introduced, that it was his intention, in the course of the present year, to introduce a bill with a view to correct many of the inconveniences that had been adverted to; and the right hon. Gentleman further stated, that the present rate of taxation was unequal and unjust, and that it interfered with the fair spirit of commercial competition. What had occurred within these few months to change the opinions of the right hon. Gentleman? The right hon. Gentleman now quoted the vote that had been come to on the penny postage question as a reason, and the sole reason, why he refused that relief which a few months ago he thought just and necessary. If the right hon. Gentleman did not reduce this tax, he ought to raise all competing modes of communication by railroads and steam-boats, to the same level. He feared they were establishing a monopoly in favour of railroads which they would one day feel, and he hoped that, at least, fair competition would be allowed to those who had been for so many years in the service of the people; and, he thought that this meritorious class of people would have just right to complain, if their claims were now put aside, contrary to the express declaration of the Chancellor of the Exchequer himself on a former occasion.

Mr. *H. Hinde* said, that some relief ought to be afforded to postmasters, to enable them to continue with the slightest chance of success against the railroads. The right hon. Gentleman, the Chancellor of the Exchequer, had promised to bring in a bill on this subject, and the right hon. Gentleman had shown no good reason why that intention had been abandoned. The present system was ruinous, and he should feel that he was not doing his duty to his constituents, or to the country at large, if he did not do all in his power to produce some beneficial alteration.

Captain *Pechell* said, that the right hon. Gentleman, the Chancellor of the Exchequer, had endeavoured to thwart the present proposition, by reminding the House of the sacrifice of revenue that must be made to carry out the principle of a penny postage. He supported the penny postage, because he thought it was a measure that was generally called for by the country; but that was no reason why he should not also support the motion of the hon. Member for Falkirk. It was the business of that House to reduce such taxation as they thought called for, and it was the duty of the Chancellor of the Exchequer to carry out the wishes of that House, and to supply any deficiency that might thereby be created.

Sir *C. Knightley* would support the proposition of the hon. Member for Falkirk. He begged to call the attention of the House to the course that was taken by Government upon two questions, namely, that of the postage of letters, and the post-horse duty. It was said, that the reduction of the postage upon letters would benefit the poor. On the contrary, he thought it would only benefit merchants and rich people. The duty upon post-horses was, on the contrary, unequal and unjust, and ruined all those engaged in the posting business. Government, however, was induced to bring forward the first measure entirely from popular clamour; while the second question, which affected a class of persons few in number, and without the power of doing much good or harm, was altogether neglected.

Mr. *C. P. Villiers* said, that as far as he could understand the charge of the hon. Baronet, it was a proof of the superior wisdom of the Chancellor of the Exchequer, for it only imputed to the right hon. Gentleman that he considered and consulted the larger interest—that he considered those who represented the great interests of the country—which he thought it wise to consider in preference to any other. The question, as it seemed to him, lay between the community at large and a particular interest. They had to choose between the postage and the post-horse duty; and the question was, which they were prepared to make a sacrifice for. It was not often, that Chancellors of the Exchequer consulted the general interests of the nation in matters of taxation. Not but that he considered the present post-horse duty unfair, but there were two modes of relieving the parties—by taking off the taxes on letting horses for hire, and repealing the taxes on the food of those horses. Some of the post-horse masters had, on deliberate calculation, found that they would be much more relieved by the repeal of the Corn-laws than by removing the tax on their business. The Chancellor of the Exchequer had, in proposing the penny postage, made a bold and noble experiment for the general good, and it was impossible to calculate the advantages which would result to society at large from that measure. One thing, he trusted, would never be done, viz., taxing the means of internal communication, than which he thought no measure could be more pernicious.

Mr. *Darby* said, that there was no question, whether one of education or post-horse duty, or be it what it might, which did not afford the hon. Member for Wolverhampton an opportunity to complain of the Corn-laws. The Chancellor of the Exchequer had not acted fairly in disregarding the promise he had made, and throwing the postmasters, who had made a strong case, overboard for the sake of the penny-postage. At the same time, he could not vote for the motion of the hon. Member on the ground which had induced him to oppose the reduction of any tax without an adequate substitute having been provided.

Mr. *Hawes* could not vote for the motion of the hon. Member, in consequence of the statement made by the Chancellor of the Exchequer. Still, he was of opinion, that the post-horse duties might be altered, which would be a great relief to coach proprietors. The traffic on railroads was increasing, while the duties derived from post-horses and coaches were decreasing, and he had been told by the coach proprietors generally, that the next time they took out their license, they must take out the lower license. He wanted, however, to know, why landed property was not made to bear its fair share of the burden, and the hon. Baronet, the Member for Devonshire, and the hon. Baronet, the Member for Northamptonshire, who were such advocates for the remission of the duty on post-horses, ought not to oppose any proposition to levy a tax upon the descent of landed estate.

Mr. *Wakley* said, the hon. Member for Sussex had made a speech in favour of the reduction, but intended to give his vote against the proposition. The Chancellor of the Exchequer did not care how many speeches were made in favour of the motion so long as he got the votes. So long as the Ministers had the money of the people at their control, they did not care a straw what hon. Gentlemen might say. The proper way was to keep the money out of their hands. He believed that the Government had adopted the postage plan with a desire to benefit the public, and he was grateful for what they had done, but considering the length and breadth of the Chancellor of the Exchequer's organs of caution, he was surprised that he had gone so far. A proposition had been made for a property tax. He liked the proposition. But the Chancellor of the Exchequer feared, that the landlords would run away with their wealth to the continent. He should like to see a man pocket three or four thousand acres of land—he would find this rather a difficult thing to get to the continent with. A man might leave a million in landed property to a profligate son without paying one farthing of duty, yet if he had had a faithful servant, who had been with him for thirty years, and left him 100*l.*, that man could only receive 90*l.* of it, the other 10*l.* being taken for duty. Until the people were faithfully represented in that House, they would never get justice. He would vote for the reduction of the tax, as he would do for the reduction of every tax. He did not like to hear any hon. Members mention the subject of a substitute—that was the business of the Chancellor of the Exchequer—to find substitutes was what he was paid for. The hon. Member for Brighton had suggested a tax on railroads [Captain *Pechell*: No, no], or at any rate the hon. Member suggested, that there should be an equalization of the duties of post-horses and railways. This would be a tax on the hon. Member's constituents, as all who travelled by the railway to Brighton would have to pay an extra charge. He was against any such tax, although he admitted, that many hundred persons had been ruined by railways, and he regretted, that there were no means of making the railroad proprietors give compensation to those persons by proceedings in a court of law. He trusted, that the House would agree to the reduction of this tax, and would levy no new tax in consequence, and above all no tax on communications, for all such taxes were most irrational and unjust.

Lord *Eliot* observed, that as the Chancellor of the Exchequer had declared, that in consequence of the financial state of the country, he could only remove one of these taxes, he should prefer the removal of the duty on post-horses to the adoption of the penny postage.

Mr. *Hume* hoped that his hon. Friend would not press the question to a division.

Mr. *R. Palmer* said, that a few days ago he had a communication on the subject of the post-horse duties with a very large coach proprietor, who told him, that a small reduction in the amount of the duty, and an equalisation of taxation, would enable the proprietors to go on, and that those charges would be attended with an increase of revenue. As it appeared, that there was likely to be a deficient revenue, he could not support the present resolution.

Mr. *G. Palmer* said, that the effect of the continuance of the present system would be to take all the post-horses off the roads, and to close all the inns and the houses of accommodation scattered over the country. The result would then be, that people would be compelled to travel by railroads, and would be exposed to the grossest impositions, as the proprietors could charge what they pleased, as the railroads were perfect monopolies.

Mr. *Easthope* said, that he could not but be surprised at the extreme incorrectness that prevailed in the minds of several hon. Members as to the existing taxes on the means of communication, as if there were no taxes on conveyance by railways. There was, however, very considerable taxation on railroads, and he knew, that a very large proportion of the capital embarked in the railroads had never paid anything to the proprietors, although it paid largely to the State. He did not quarrel with this, but when hon. Members made these observations, did they recollect, that in taxing railroads they would be taxing themselves and the rest of the community, for it would be nothing more nor less than a tax on conveyance. The hon. Member said, that the railroads were monopolies, and the proprietors might charge what they please. If this were the case, did not the hon. Gentleman see, that a tax on railroads would operate as a tax on the passengers? If a monopoly existed, the railway proprietors might increase the charge to passengers to the amount of the tax. The hon. Member for Essex also spoke as if persons were compelled to travel by railroad, whether they would or not, and as if the interest of the proprietors of railroads did not consist in consulting the convenience of the public. He wanted to know, whether any thing had arisen to induce persons to abandon travelling by coach other than general convenience? None, however, could be more interested that the railroad proprietors in reducing the taxation on stage coaches, as nothing could be more for their interests than low charges for travelling by coach, as they would bring passengers to the railroads. He could not help feeling, that the notion of setting up railroad travelling against travelling by coach was a very superficial view of the question. He was sure, that no railroad company that knew its own interest would wish for a tax on stage-coaches or any other means of conveyance.

Colonel *Sibthorp* would be glad to see a clear statement of the property held in railroads by Members of that House, and how they voted. For his own part, he had always voted against railroads, and should continue to do so.

The House divided on the original question:—Ayes 109; Noes 48: Majority 61.

The House then went into a Committee of Supply on the miscellaneous estimates.

Several votes were agreed to, and the House resumed.

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HOUSE OF LORDS,

Tuesday, July 23, 1839.

MINUTES.] Bills. Read a first time:—Inland Warehousing; Unlawful Oaths (Ireland).—Read a second time:—Sheriff's Exemption; Assessed Taxes Composition; Prisoners Trial; Timber Ships; Lower Canada Government; —Read a third time:—Supreme Courts (Scotland).

Petitions presented. By the Duke of Richmond, from the Paper Manufacturers of Dublin, for protection under the new Postage regulation; from Derby, for a Uniform Penny Postage; from Edinburgh, against the existing system of Church Patronage.—By Lord Fitzgerald and Vesci, from the town of Galway, against part of the Irish Municipal Corporations Bill.

HILL COOLIES.] Lord *Ellenborough* said, he wished to ask the noble Marquess the Secretary for the Colonies a question concerning the importation of Hill Coolies into the British colonies. He had seen the report of certain commissioners, called negro commissioners, presented to the Court of Policy in Demerara, who gave a somewhat favourable account of the condition of the negroes in that colony, but not of the Hill Coolies. It appeared that on an estate called Bellevue out of eighty Hill Coolies imported within a few months twenty had died, and twenty-nine were in a state too horrid to be described. It was stated, also, that the manager of the estate himself was seriously ill with a fever, which he had caught in visiting the pest-house which contained them, for he could call it nothing else, but which went under the name of an hospital. He wished to know whether the noble Marquess was in possession of that report?

The Marquess of *Normanby* was not in possession of the report to which the noble Baron had alluded. But a report of one particular estate had arrived, from which it appeared that enquiry had been pursued to a considerable extent, and much evidence on the subject had been collected, which he had read with great care. Immediate attention should be paid to the subject.

Lord *Ellenborough* must say this, those who advised the emigration or importation of these Hill Coolies, under the order in Council for that purpose, were deeply responsible for the consequences.

Lord *Brougham* was painfully reminded of the warning which he gave their Lordships when the subject of these Hill Coolies was under discussion last year, and when unhappily they refused to attend to his warning. He never foresaw anything but the worst possible consequences from that detestable traffic in slaves. It was now being renewed after all the attempts which had been made to get rid of it—extended into Asia, after the mischiefs it had done to Africa. It appeared that five out of every eight of those wretched beings on one estate had perished. Out of eighty there had actually died twenty, in the course of a few months, and twenty-nine others were in such a state that the sufferings of death, it might be said, would be a relief from their wretchedness, and therefore comparatively a mercy as well as a certainty. And all these circumstances were to be contemplated with this most painful aggravation, that they were added to the murders which had been committed on the passage of these wretched persons on board ship; they had survived the horrors of carrying them over the seas from their native home to the charnel-houses of Demerara, for only a very short period. He knew that a great amount of blood-guiltiness must hang over the heads of those who were concerned in this traffic, and who if not here, must hereafter be answerable for the murders committed in that passage; because he knew the papers which were upon the Table of their Lordships' House contained the astounding fact, that twenty per cent. in one vessel had perished miserably in a voyage of five weeks, between Asia and Demerara, and thirty per cent. in another; thus exceeding by far the mortality and massacre of the African middle passage itself. He hoped, therefore, that he should now receive an answer to the question which he had formerly put, because, coupled with what had been stated by the noble Baron that evening, the case became aggravated and called for immediate explanation. It was said, that two or three slave vessels had been seized on the Brazilian coast, their cargoes—such was the term applied to their contents—their human cargoes, consisting of 1,400 wretched beings; and under the pretence of their being liberated, it was stated that they had been apprenticed at 5*l.* per head. And where? In foreign slave countries, where there was no security that they would be treated even so well as they were in Guiana, and he wished to know whether it was the practice for our cruisers to apprentice these unfortunate men in those countries where slavery still existed instead of carrying them to our own colonies. He hoped he should receive an answer denying the statements which had been made in respect to this subject.

The Marquess of *Normanby* had communicated with the late Colonial Secretary respecting the letter to which he supposed the noble and learned Lord alluded, and the subject to which it related still engaged his attention.

Conversation dropped.

SPAIN.] The Marquess of *Londonderry* rose to put some questions to the Government relative to the correspondence which had been laid upon the table in regard to the affairs of Spain. He had moved for those papers at an early period of last Session, but the delay which had taken place in their production had, he feared, prevented those who were less interested in the affairs of Spain than he was from wandering through these documents. They fully proved the bad effects of the course of policy which had been pursued by the Government, and he was persuaded, that if they had not departed from the line of policy which had been recommended by his noble Friend (the Duke of Wellington), if they had not put forward the Auxiliary Legion, and if they had adhered to a neutral line of policy, they would, in such a case, have been heard with respect and deference by both parties engaged in the Spanish contest, and it would have been unnecessary to call for the interference of the great Powers of Europe to put an end to those atrocities which disgraced the war in Spain. But they had departed from a neutral line of policy, they had taken a side in the war, and they were now disregarded by both parties. And what was the result of that departure from the only line of policy which was consistent with the honour and dignity of a great nation? After the Legion had returned, disgraced, and when nothing had been accomplished, they were obliged, at the eleventh hour, to go to the great Powers, and to demand the exercise of their moral influence to put an end to the atrocities which had marked the war in Spain, and to enter into a convention to secure that desirable object. If that course had been adopted five years ago—if it had been adopted when it was recommended by his noble Friend, these massacres would never have disgraced civilized Europe. He ventured to say, that the truth of that assertion was fully borne out by the papers which had been laid upon the Table, and for himself, he desired no other means for the condemnation of the conduct of the Government, than the correspondence which the Government had itself produced. He thought, however, that there was much ground for complaint as to the manner in which the correspondence had been laid before their Lordships. The papers had been produced in a manner so unsatisfactory, that it appeared to him as if a disposition had existed to evade the order which the House had made upon the subject. On the first page there was an extraordinary statement, to which he wished to call their Lordships' attention. He had last year moved for these papers, in order to show what aid had been furnished by the Government either in money, arms, or stores, to Muniagorri, a new chief who had been favoured by the Government, and he was anxious to know the nature of his correspondence with Lord John Hay, and what stores had been furnished to this chief. At the bottom of the first page of the correspondence, however, there was a memorandum, stating—"There is nothing to show that any articles were specifically furnished to Muniagorri, the Spanish chief;" but if they turned to the end, they would find it stated, that no communication on this subject had been received at the Foreign-office from Lord John Hay, while it was certain that arms and ammunition had been sent. But if no communication had been received, and if stores had been sent to Muniagorri, why had not the Foreign-office called upon Lord John Hay to furnish a specific return? The agents of the British Government seemed to him to have taken the truth of whatever communications were made to them for granted, without examination and without any proof of their accuracy. He found it stated in one of the letters, that a great number of prisoners had been murdered by General Cabrera since the 1st of October, 1838, and these returns had been forwarded by Colonel Lacy, a British officer, but there was no means of knowing, nor was there any evidence to show, that these statements were correct. In fact, if they looked through the correspondence they would find that Cabrera denied the truth of the charges which had been made against him by Colonel Lacy, and he should like to know, whether the official despatches of the Spanish General were not as much to be relied upon as the communication of this British officer. In a letter, also, which had appeared in all the newspapers, from Cabrera, he stated distinctly, that the statement of Colonel Lacy was not true when he said that he had given no quarter—that the charge was wholly false: and he showed, further, in that letter that 3,000 prisoners had been spared. Government, therefore, had founded their representations to the great Powers on statements which did not rest upon facts, and it manifested great partiality on the part of Ministers, thus to lay the blame of these atrocities on the Carlists alone, when it was well known that the Christinos were at least equally guilty. Yet it was upon this one-sided evidence that the Secretary for Foreign Affairs called upon the Ministers of the great Powers to exercise their influence to put an end to such disgraceful proceedings. But, in fact, the whole of the statements contained in the correspondence seemed to have been made from taking a false view. If these charges against Cabrera were false, in the representations which had been made by the Foreign Secretary to the foreign Courts, it was clear that the whole blame ought not to have been thrown on one party exclusively; and if Cabrera was denounced as a monster, the noble Lord should have considered whether there were not monsters also on the other side. These partial representations had been sent to the Ministers of the great Powers, and Lord William Russell had written a letter in consequence, in which Cabrera was denounced as a monster. That was a term which ought not to have been applied, and such language in the mouth of a Minister was certainly highly improper. Ministers had been obliged to ask the aid of other powers, to put an end to the atrocities which had marked the Spanish contest, and when that aid had been obtained, they then turned round upon those powers, and tried to induce them to withhold their support from a cause which they considered just. That, he must say, was most unbecoming a great nation, and it was not the direct and manly course of policy which England ought to pursue. But what were the principles upon which this convention had been formed? It clearly seemed, that when the efforts of the present Government failed, and that when they had an object to carry, they were obliged to resort to the great principles which had been acted on by the noble Duke near him. Ministers had, for eight years, tried to settle the affairs of Belgium and Holland, and in the end they had been obliged to apply for the assistance of the great Powers. They had long tried to settle the contest in Spain, and yet, in the end, they had been obliged to ask the aid of the great Powers to accomplish an arrangement for an exchange of prisoners. He had, therefore, on looking for any final arrangement, had his attention directed to the great treaty to which he had alluded, and what did he find the terms of that treaty were? It was stated, that the great objects, and the leading principles of that treaty were, to maintain the peace of Europe, and that in the attainment of that object, the general policy of Europe should be consulted. Russia had asked, when the consent of that power had been obtained, to aid in terminating the atrocities of the Spanish contest, whether there were not good grounds for putting an end to the war altogether? And what had followed? The Foreign Secretary wrote to Lord Clanricarde to ascertain what the views of Russia were, and whether that power would consent to measures for terminating the war in Spain. Now, that was certainly a most extraordinary course. It was certainly an extraordinary course for the Government to call on one individual power to express its views on this subject, and the Foreign Secretary must have been young indeed in his office, if he expected that Russia would consent to explain itself in answer to such a proposition. The noble Lord at the head of the Foreign Department had stated, that there were particular circumstances which placed this country and France in a different position from that occupied by other great Powers. Now, what were the different circumstances which affected our position in what regarded the pacification of Spain? What grounds were there for for supposing that when a general measure was proposed, which was consonant with humanity, the quadruple treaty placed us in a different position from other powers? He did not argue that the attempt must necessarily succeed, but he did argue that it was very probable, as one party was too powerful to allow the other to put it down, and both parties had been reduced to a state of comparative inaction. He believed that the people of Spain were now generally brought to the belief, that it would be wise and expedient to terminate the war, and he did not see why the great Powers should not bring about an arrangement. An armistice might be proclaimed pending the negotiations, which would of itself tend to allay the animosities which had been excited. But the noble Lord at the head of the Foreign Department, had stated two reasons for declining to act upon the suggestion of Count Nesselrode. One was, that this country and France had different obligations imposed upon them from the other great powers; the second was, that the proposition having been made by Russia, and declared by England to be inadmissible, if it contemplated measures not in accordance with the quadruple treaty, the matter had dropped on the part of Russia. But this was not the case, for the very last letter which Lord Clanricarde wrote, stated distinctly, that Count Nesselrode proposed, that the five plenipotentiaries should meet, professing himself unable to state precisely what were his ideas upon the subject, but urging the propriety of coming to some arrangement. He said, then, that if Russia had stated this, it was surely becoming in us to meet them on the other side. There was, on the other side of the House, a noble Lord, who had lately returned from his embassy in Spain, who would, perhaps, be able to give their Lordships some information on the subject. Another point on which he wished to ask a question of the noble Viscount, related to the conduct of the Spanish Government towards the British Auxiliary Legion. He had urged their claims upon the noble Viscount on a former evening, but he was sorry to see that the Government were powerless, and that they could do nothing either at home or abroad. Let the commission act in a little more generous way, by allowing them interest upon the sums on the face of the certificate. When he brought this subject before the House the other day, he showed that the document had neither date nor interest. That very day Colonel Ellice, who was left by Colonel de Lacy Evans in charge of the rear-guard, and who, he believed, was the very last man to leave Spain, had called on him, and produced a certificate, from which it appeared that no less a sum than 850*l.* was due to this individual. Colonel Ellice said, that he had a wife and children dependent upon him, but that he could not get any money from the Spanish Government. He entreated the noble Viscount to see if he could not do justice to the British officers and soldiers by calling on the Spanish Government to allow them interest upon these certificates. There was another point to which he wished to call the attention of the noble Viscount, which related to the Eliot Convention. The excuse which had been offered for not extending the provisions of that treaty to all parts of Spain, was, that a number of marauders and robbers might get the benefit of the Convention, and get themselves exchanged as prisoners of war. Now, surely, this was complete subterfuge. He wished to ask the noble Viscount, in the first place, whether there were any engagements in the opinion of her Majesty's Government, under the treaty of the Quadruple Alliance, which would prevent Great Britain from entering into negociations with the other great Powers for the avowed purpose of bringing about the pacification of Spain? Secondly, he wished to know why, if England and France did not stand in the same position as the other great powers, overtures were made on the 27th of November; and whether it were understood that England and France were to monopolize the affairs of Spain? Thirdly, he would ask, whether it was the intention of her Majesty's Government to forego the extension of the benefits of the Eliot Convention to the whole of Spain? And, lastly, whether the Government intended to take more decisive measures, in order to induce the Spanish Government to liquidate the claims of the British Legion, or at least to grant certificates bearing a date, and bearing interest.

The Earl of *Clarendon*: My Lords; I am sensible that much apology is due on my part to your Lordships for venturing at this moment to claim your Lordships' attention for a short time, and to the noble Marquess (Londonderry) who has just sat down. I feel that particular apology is due for being about to adopt a course which is, I fear, irregular, and not waiting to address your Lordships till my noble Friend on the left had replied to the questions of the noble Marquess; but, my Lords, as the noble Marquess has so pointedly adverted to me, and as I have no doubt that the answer of my noble Friend will be satisfactory to the noble Marquess, and that your Lordships will, consequently, be unwilling to prolong this discussion, I am anxious first to offer a few remarks upon the speech of the noble Marquess, and I trust that that indulgence, which I have never yet seen solicited in vain from your Lordships, will be extended to me, connected as my name is with the correspondence on your Lordships' table, which has given rise to the questions of the noble Marquess, and having had the honour to be the Minister of this country in Spain since the commencement of the civil war in 1833. My Lords, the noble Marquess has informed your Lordships of the grounds upon which he has thought it his duty to call the attention of your Lordships to the correspondence now on the table, but as the object sought by her Majesty's Government in mitigating the horrors of the war appears by the papers themselves to have been fully achieved, and as the answer to the question he has put to her Majesty's Government is to be found in the correspondence itself, and that several weeks have now elapsed since these papers were presented to the House, without the noble Marquess' sense of duty having moved him to make them a subject of discussion, I am rather inclined to believe that some other motive than that which the noble Marquess has avowed, must have led to the course he has now taken, and that he considers the cause he has so long protected in Spain stands at this moment in peculiar need of his assistance—that the noble Marquess, therefore, has come to the rescue less out of desire to see a termination put to the horrors of a civil war, which afflict a portion of the Peninsula, than from the fear he may entertain that if the mediation which he is so anxious to bring about be too long deferred it may arrive too late. My Lords, I know that the subject of Spanish affairs is one which must be irksome to your Lordships, and that few among your Lordships can be inclined to read what is connected with them in the public papers. I shall, therefore, take the liberty of informing your Lordships, that in the newspapers there has lately been published, by the authority of the Spanish government, some intercepted correspondence between Don Carlos and Cabrera, and the exiled ministers of that Prince, by which it appears that Don Carlos is carrying on an intrigue against his General, Maroto, in whom he pretends to confide, but whom in his heart he detests. My Lords, as it probably will not be in your Lordship's memory, how that General came to occupy his present post, I shall briefly state the facts as they are illustrative of the position in which Don Carlos must now find himself. Maroto shot—without trial, or the form even of accusation or condemnation, six of his brother Generals, whom he looked upon as personal rivals, for which he was proclaimed to be a traitor by Don Carlos. Maroto (in order, probably, to prove that he was neither), then marched his army against his king, and Don Carlos, upon his approach, issued another proclamation, recalling the first, and ordering it to be burnt in every town and village (and when a noxious document is ordered to be burned in Spain, it is so by the common hangman), and Don Carlos further expressed his anxious hope that this would be received as a satisfaction by his faithful subject Maroto, whose loyalty nothing but the calumnies of perfidious advisers could for a moment have induced him to doubt. Maroto accepted the apology, which for ever degraded Don Carlos, and made himself supreme. He banished all the confidential advisers of Don Carlos, appointed his own ministers, and has since that time virtually been sovereign in that part of the country. Since that time, however, Don Carlos, in order to recover his lost power, has not ceased to intrigue against him; and, as the intercepted correspondence goes on to show, there is now so much disunion amongst the Carlists, the want of means is so great, and the discontent so general, that the cause never was considered to be in so disastrous a plight. I know this to be the opinion of some of the most influential Carlists both in and out of Spain; and as their fears have, in all probability, been caught by the noble Marquess, he may have thought, by the course he has this day adopted, to throw his shield over Don Carlos, and to hide his protege's distress by placing him on the same footing with the Queen of Spain, and invoking the mediation of the great Powers of Europe, as if the belligerent parties were on terms of equality. By the papers on your Lordships' table, your Lordships will see that her Majesty's Government, complying with the request of the Spanish government, addressed itself to the three Northern Courts, and asked their intervention with Don Carlos, to cause a stop to be put to the revolting atrocities, committed by his Generals, which rendered retaliation on the part of the Queen's Generals a matter of melancholy, but unavoidable, necessity. The courts of Russia, Prussia, and Austria responded to the invitation thus made to them in a manner which did them infinite honour; and Count Nesselrode, going still further, suggested in his dispatch to Count Pozzo di Borgo, and his note to Lord Clanricarde, that some means should be adopted for putting an end to the war. The noble Viscount at the head of the Foreign Department, was, I know, ready and most anxious to avail himself of the indication, for I can call it nothing else, of the Russian Minister, but it was necessary for him first to ascertain upon what basis Russia and the other Powers would join with England and France in any negociations, as it was clear that England and France, having recognised the Queen of Spain, and being bound to her by the Quadruple Treaty, would not secede from the obligations that these acts imposed: and I will ask the noble Marquess, and ask it fearlessly, would he, if he had at that time been conducting the foreign affairs of this country—would he have acted differently? Would he have disregarded the solemn compact by which this country is bound to the Queen of Spain? Would he have admitted Don Carlos, whatever may be his opinion of that Prince's rights, or respect for his character, to treat upon terms with the Queen? Would he have considered the Government of England to be in the same position as that of Russia, which had recognised neither the Queen nor Don Carlos? I feel sure he would not. I feel sure that he must know too well the value of a treaty to have acted differently from the noble Secretary for Foreign Affairs—and that, like him, he would have felt no further steps could be taken in the matter, while Count Nesselrode, replying to his enquiries, said, that for his part he had no suggestions to make. I will also ask the noble Marquess if he is aware of the existence of a protocol, agreed to by the principal Powers of Europe, and signed at Aix-la-Chapelle in 1818, by which it is specifically agreed that if in future the interference of these Powers should become desirable for the arrangement of the internal affairs of any other nation, such interference should never take place except at the express desire of that nation whose representative should always assist at the deliberations of the Congress, which might in consequence be assembled. How then, my Lords, in the teeth of this most just and politic compact between the Sovereigns of Europe, could a Congress have been assembled for the settlement of the affairs of Spain, unasked for by Spain? and what representative of Spain could have attended such a Congress? It is clear that England and France must have insisted that a Plenipotentiary of the Queen should attend, and only the Queen's Plenipotentiary, because, having acknowledged the Queen's rights, they could not have permitted the claims of a pretender to the throne to be represented at the Congress. But would the Northern Powers have been satisfied with having Spain so represented, as they have not acknowledged the Queen? and would they have had any right to insist upon the presence of an agent from Don Carlos, when they have not recognised either? But the noble Marquess now appears to think, or rather he says, that future steps ought to have been taken, and that if the three Powers had been agreed the Spaniards must have yielded. But here let me remark, that in this question of agreement lies the whole difficulty, and prevents the case of Belgium from being a parallel case. All the Powers were agreed upon the recognition of Belgium; and that, and that alone, rendered their joint co-operation possible. Would it have been possible, if England and France had recognized the independence of Belgium, as they were bound to do, and that the Northern Powers had asserted the right of the King of Holland to the throne of Belgium—would a Congress, meeting upon such a basis, have led to any good result? And in the same way could England and France have consented to a Congress at which the claims of Don Carlos to the throne of Spain were to be supported; and if such claims were not brought forward, and the rights of the Queen recognized, the Congress would be unnecessary: for were the Northern Powers to withdraw their support and aid from Don Carlos, the war would soon be at an end. But let me ask the noble Marquess upon what grounds he says the Spaniards would have yielded? Does he draw his deductions upon that point from history, or experience, or his knowledge of Spanish character? He must have strangely confused them if he thinks what he says; for I can tell him that neither threats nor protocols of Foreign Powers would have any more influence upon Spaniards than they would upon Englishmen, and their only result would be to unite all classes of Spaniards in one bond of resistence to the Powers by which their nationality was menaced. True it is that the combined armies of Europe might march into Spain, and establish there any system of Government that a Congress of Sovereigns might think fit to decree; but is the noble Marquess prepared to resort to such an expedient—or if he were, does he think the Powers of Europe would be prepared to march with him—or if they were, does he think that the Government they had set up in Spain would endure one hour after the last foreign soldier had recrossed the frontier? I have some experience of that country, and the noble Marquess may take my word, that the unsolicited intervention of foreigners in the political institutions of Spaniards, will always be a miserable failure; and so it ought to be, and greatly it redounds to the honour of Spaniards that it should be so. The noble Marquess will, I trust, see therefore all the circumstances which rendered unpopular, the accomplishment of what he desired, and which would, if practicable, have, I am convinced, been allowed by her Majesty's Government with as much readiness and satisfaction as the noble Marquess himself would have displayed. I believe, however, the noble Marquess will admit that the papers on your Lordship's table prove that British agency was well directed and productive of good results, as regards the mitigation of the civil war in Lower Arragon, and that through our means much human suffering was diminished and many lives were spared; and thus, through the intervention of her Majesty's Government, a state of things has been brought about, quite as important and quite as much called for as that which the Eliot Convention established. The noble Marquess blames my noble Friend at the head of foreign affairs, because the Eliot treaty was not made to extend throughout the whole of Spain. My Lords it was impossible. I wish to heaven it had been; but those who talk on the subject, as the noble Marquess has done, are really not aware of the facts. At all times of political disturbance in Spain there are never wanting bands of robbers and malefactors, who start up in every quarter, and raise a standard of revolt in their own particular district for the mere purposes of crime, and to have made the Eliot Convention applicable to such men would have been sufficient of itself to have quadrupled, aye, and far more than quadrupled, their numbers, by offering beforehand impunity for their offences. It would have led to every class of bad consequences, and never would have been carried into effect but in the Basque Provinces, where two armies were in the presence of each other, depots of prisoners and a regular cartel for their exchange would be established. The treaty was practicable—it proved a real blessing, added another item to the immense debt of gratitude which the Spanish nation owes to the noble Duke opposite, a debt which I must say is always cheerfully and cordially acknowledged. Much praise is likewise due to my noble Friend Lord Eliot who displayed great ability and tact in negociating the treaty; but I am also in justice bound to say that the Spanish government met the proposal of the noble Duke in precisely the same spirit in which it was made to them as on every other occasion the Government and Generals of the Queen manifested a desire (of which they have omitted no occasion to prove the sincerity) that the war should be carried on according to the usages of civilized nations and here, my Lords, I must beg to say in answer to the unwarrantable remarks of the noble Marquess, and with reference to the evidence to be found in the papers now on your Lordships' table, that when officers such as Colonel Wylde, and Colonel Lacy, and Colonel Alderson, men of high and unimpeachable honour, who are bound by honour, as well as duty, carefully to collect and faithfully to report to her Majesty's Government every thing that occurs in the different corps to which they are attached; when such men bear evidence to the humane conduct of the Queen's Generals, and to their unceasing efforts to secure the war being carried on with humanity; and when I myself declare upon my honour that I have found the same feelings to exist in all the different Ministers and Generals with whom I have been in official relation, and who have invariably acted upon every suggestion of mine that had for its object the mitigation of the war, I say, my Lords, it is most hard, it is most unjust, to confound such men, and their intentions, and their acts, with the hordes of banditti who spring up on all sides, and are invested with authority, by Don Carlos, in order to carry devastation through the country, to pillage the inhabitants, and to strike terror among the loyal subjects of the Queen—conduct which is only natural, after all, for these men spring from the dregs of the people, and their existence and power depend upon their atrocities—it is shameful, my Lords, to confound such men with the Ministers and Generals of the Queen, men of education and enlightenment, and humanity. The outrage is deeply felt by them, and they cannot but be indignant that such opinions should be current in England, and more particularly among Foreign Powers, and their Represtatives at the different Courts of Europe, who have doubtless their own particular purposes to serve in representing the two parties now contending in Spain as not only equal in power but rivals in barbarity. And, my Lords, while talking of Foreign Powers and their Representatives, I may be permitted to advert to the scheme which is, I know, most in vogue with them, and which they are constantly urging as the only means of arranging the affairs of Spain, but which, if it were not absolutely impracticable, would be of all others the most disastrous, namely, the marriage of Don Carlos' son with the Queen. My Lords, upon this I have, in the first place, to observe that it would be the surrender of rights on both sides, which it is utterly hopeless to expect, for all who know any thing about that Prince, or the fanatical party in whose hands he is a mere puppet, are aware that nothing short of his being absolute, despotic King of Spain will satisfy him; he, therefore, never would consent to abdicate his claims in favour of his son. Then, as to the Queen Regent, even supposing she would disregard every political consideration, and abandon the party by which she has hitherto been supported, can any one expect that she, a mother as well as a Regent, should devote her daughter to the life of misery that such a marriage would render inevitable, and permit to be enacted over again in Spain the farce that was attempted in Portugal by the marriage of Don Miguel with Donna Maria, which proved, as might have been foreseen, a miserable failure. But even were all difficulties of this kind overcome, a plan for placing the representatives of two antagonist principles upon the same throne, and for ensuring the co-existence of two rival and exasperated parties incapable of compromising their difficulties, can only be considered a plan for sowing the seeds of eternal civil war. My Lords, it is only the fear of wearying your Lordships prevents my pointing out the countless evils to which this project for tranquilizing Spain must give rise. My Lords, in my opinion, the Spanish question has not been rightly understood in England, either in its general character or in its details. Nor is this to be wondered at, for Spain differs in many essential points from every European country? and as the Spanish question is generally viewed and argued upon according to our experience, and by the analogies drawn from the history and character of other countries, the question becomes embarrassed rather than illustrated by discussion. I am far from regretting, however, that such difficulties have not deterred the noble Marquess from constantly bringing the affairs of Spain under the consideration of your Lordships; indeed, I think, that any Member of Parliament who promotes discussion upon foreign affairs does a great public good, for it is astonishing, and at the same time lamentable, how great an apathy exists in England with regard to our relations with foreign countries, and how much indifference there is as to whether our interests in every part of the world are properly protected—whether the reciprocal obligations of treaties are properly observed—whether every thing that is good in the laws, institutions, and practices of a foreign country, is carefully collected and sent home—and, above all, whether every opportunity is turned to account for extending our commercial relations; for these, my Lords, I apprehend in the present times are the real duties of diplomacy. It is always, therefore, with satisfaction that I see any subject connected with our foreign relations discussed in Parliament, in order that the country may have an opportunity of learning its true position with regard to other nations. I would certainly have wished that the noble Marquess had been somewhat more accurate in his statements with reference to Spain, and I hope your Lordships will so far extend your indulgence to me as to allow of my making a few remarks upon the last speech of the noble Marquess upon this subject; for he has in that so much misrepresented the real state of things in Spain, unintentionally I am quite sure, that he has laboured under the difficulty which all more or less experience, in arriving at accurate information upon Spain; but from his speech this evening, I see no reason to think that his opinions have undergone any variation. My Lords, in that speech of the noble Marquess, delivered I think on the 18th of June last year, the noble Marquess was pleased to speak of me in terms of a very unflattering description. I shall now only reply by admitting his or any other persons complete right to canvass the public conduct of a public servant, and to assure the noble Marquess that as I differ with him upon every point connected with Spain, I cannot say that I expected to merit his approbation, neither, indeed, can I say that I was ambitious of it. I shall not think it necessary to allude to the noble Marquess's reflections and predictions on the steady increase of Don Carlos' force, further than to beg your Lordships to remember that the whole of Gallicia, the Asturias, Leon, Estremadura, Andalusia, Upper Arragon, and the two Castiles, are as peaceable as they ever were at any period of Spanish history, and as completely attached to their lawful sovereign; and that the civil war only exists, where it has so long been confined, in the Basque Provinces, in a portion of Lower Arragon and Valencia, and in a small district of Catalonia, the whole of which is mountainous and of most difficult access. And I will then ask your Lordships what is to be thought of the increasing power of Don Carlos, and whether it is best, or politic, or likely to serve any practical object, to place him upon a footing of equality with the Queen? In the parts of the country I have just named, the war still exists, and may continue to do so for some time, and while it lasts the Government must be feeble, and the whole country must suffer for the portion of it which is so afflicted. That peace has not been restored there can only be accounted for by the fact, that Spaniards make war now in precisely the same manner that they used to do—in the manner which must be familiar to us all through the despatches of the noble Duke opposite. My Lords, upon those despatches, which have, if it be possible, placed the noble Duke's fame upon a still more imperishable basis than it stood before, I feel it is next akin to presumption in me to offer even the humblest tribute of admiration. My only excuse is, the six years I have passed in Spain, during the whole of which time the country has been in war; and, my Lords, it requires to have lived in Spain, under such circumstances, to appreciate those despatches at their full worth—to understand the enormous difficulties with which the noble Duke had to contend, and his unrivalled merit in overcoming them. My Lords, there is hardly one of those despatches in which a man having a thorough knowledge of Spain and Spaniards would not fill up some hiatus and supply omissions which would redound to the glory of the noble Duke, and prove the unassuming character of true greatness. My Lords, I feel I ought to apologize to your Lordships, and especially to the noble Duke, for having thus yielded to the temptation of expressing the feelings I have entertained ever since I had the satisfaction of reading those despatches, and I shall now only offer a few remarks upon that portion of the noble Marquess' speech last year, in which he casts a great and undeserved slur upon Spaniards, by assuming that they feel disgust at the free institutions endeavoured to be forced upon them. The noble Marquess, from the whole tenor of his speech, means to convey the idea—the absolutely erroneous idea—that the attempt to force these institutions upon Spaniards was made by her Majesty's Government, and as so much has been said respecting Spain, and so little that is really accurate is known, it may be matter of interest, if not of importance, to the people of this country to know what these institutions were likely to effect for Spaniards, what their feeling is towards them, and what interest England has in the success of the Queen's cause. My Lords, there is no greater error than to suppose that Spaniards are unfit for freedom or averse to a liberal form of Government; their own municipal institutions are the freest and most popular in the world; they existed in Spain when the feudal system obtained in the rest of Europe; although we have heard much lately in this House respecting municipal institutions—and certainly they are not here spoken of with much veneration—I consider them as the best trainers for freedom, and the system which renders men the most fit to be entrusted with liberty. It is certainly true, that Spain has for centuries been under the double yoke of a kingly and a priestly despotism, with all the train of degradation and corruption that they bring with them; but it is true that she has seized the first opportunity of emancipating herself, and the sacrifices to which that nation now submits, and all the horrors of civil war which Spaniards now endure, are proofs of their conviction that the objects which they have in view more than outweigh the difficulties with which their attainment is surrounded; but the contest they are engaged in is not sterile, they have already gained, and gained much; they have made such despotism as they before endured, in future impossible. Were Don Carlos on the throne he could not restore it. He would try. The bloody and fanatical party in whose hands he must always be a blind and wretched, though not unwilling instrument, would try it; they would confiscate, and banish, and gibbet, but they would fail, and I am convinced, that if Don Carlos were upon the throne he would, in the course of one twelvemonths, do more to injure the monarchical system, and to render monarchy abominable than all the revolutions and constitutions that can be conceived would effect in a century. It is true I am convinced that the northern Powers of Europe would perceive their error in having supported a cause without being fully acquainted with its objects, and a man who must render order and good government in Spain impossible, and I am sure that order and good government, by whatever means established, is all that those Powers in reality desire; they can have no other object and no other interest; but Spaniards of the present day have rendered any return to the despotism of former times impossible, and I say that in thus setting aside all feelings of philanthropy, we have cause for satisfaction, and that it is for our interest that events should take the turn they are now doing in Spain. Let any man compare the system—the brutal, barbarous system which existed under Ferdinand, when the priests exercised their tyranny and their vengeance without control—when correspondence with a relation exiled for his political opinion was punishable by death—when every domestic tie was loosened by the vilest system of espionage—when knowledge was criminal, and the universities were closed, and colleges for bull-fighters opened—let any one compare such a system with the one which prevails now, imperfect as it is in many points. But it has produced popular representation, free discussion, and a free press. They have produced what was impossible before—public opinion; and that has in a great measure corrected what was inevitable under the government of Ferdinand — corruption. The consequences of these are, that life and property (except in those parts afflicted by the civil war) are more secure, that the revenues of Spain are more than one half greater than they were ever known to be before—that an enormous class of proprietors has been created by the sale of national property—that capital flows into more wholesale and useful channels—that education makes rapid advances, and agriculture is advancing—and, notwithstanding all the horrors of war, Spain is at this moment laying a foundation for future prosperity incalculably more solid than at the time when, for her misfortune, she discovered America, and lost all stimulus to future exertion. My Lords, I am aware that this account may appear to be exaggerated, but I say nothing but what I know, and I say it under all the responsibility that should attach to any statement deliberately made to your Lordships. Such is the state of things now in Spain, and I think it requires no extraordinary degree of intelligence to discover how that state is likely to become advantageous to us, and whether it is not probable we shall gain more from Spain liberalised than under the absolute government of Ferdinand. The noble Marquess in his speech to which I have alluded, inquires what commercial advantages we have gained in return for our alliance? My Lords, it is the first time I have ever heard the alliance of Great Britain treated as a marketable commodity, and I think that the feeling of this country is of too noble and generous a character to wish to turn the temporary distress of an ally to a selfish account, however desirable it may be to establish commercial relations with them upon a more liberal footing. And it would be but a short-sighted policy, for every commercial arrangement, in order to be permanent, should be based upon reciprocal commercial advantage; and if Spaniards involved in war are a little slow to comprehend the benefits of free trade, and have not yet perceived the necessity of an unrestricted interchange of productions with England (although the question is daily making progress), let us, my Lords, remark, that Spain is an agricultural country—that agricultural produce is all she has to give in exchange for our manufactures. Let us remember our own Corn-laws, and the debates which not later than this year have taken place upon them in Parliament, and I think that even the noble Marquess himself will be inclined to give the Spaniards a little further time for distinguishing more clearly the point at which monopoly and private interest should yield before the general good. Before we talk lightly of other nations, to measure them by our own standard is but just towards them, and it may afterwards be useful to ourselves. Liberty in Spain is, to be sure, but in its dawn, and struggling for existence, while ours, thank God, is upon an imperishable basis; but, my Lords, before we look down with contempt upon Spaniards, from the height to which we have gloriously, but not without labour, ascended since our own civil wars, let us see in what manner they have hitherto used the liberty they have gained. I have already adverted to the good effects which the creation of public opinion have produced, and I can aasure your Lordships that both the people and their representatives have already given abundant proof that they understand and value a constitutional form of Government. The elections excite the greatest interest—every class of opinion is fairly represented in the Cortes, and the debates are conducted in the Chambers in a manner, and with a decorum, my Lords, which are not unworthy even of our own consideration. I have been in the constant habit of attending the debates in the Cortes, and I can assure your Lordships that I never saw more than one deputy or senator speaking at the same time, nor did I ever see the Chamber justly exposed to being charged by its own members with habitual disorder in its proceedings. I have heard from Catholic Prelates in those Chambers, sentiments breathing as pure a spirit of Christian piety and religious toleration as those which emanate from the right rev. Prelates in this House. I have never failed to see the Government in those Chambers meet with the vigorous and constitutional opposition which every Government under a representative system ought to meet with, but I have also seen that opposition, whenever danger was imminent, lay aside all party spirit, and so far from endeavouring factiously to embarrass the Government, rally round it and be united as one man against the common danger by which the country was threatened. I say then, my Lords, that Spaniards know how to appreciate the value and to enter into the spirit of representative Government. Then in Spain the press is as free and unshackled as in England—the conduct of the Government and of every public functionary is canvassed with the utmost severity and juries are as unwilling to check the liberty or it may be the licentiousness, of the press in Spain as they are in England; and, my Lords, I may here be permitted to advert to a most remarkable fact as connected with the press. In Spain there is a Queen, and during her minority the Government is administered by the Queen Regent, and with regard to that august personage, I have never known any other language used by the press than that of respect and devotion. In times of trouble, and excitement, and civil war, the passions of Spaniards have never hurried them into expressions of disrespect towards their sovereign. All the good that befell the nation was attributed to her, and the blame of every ill was laid upon her Ministers, and I only remember one instance of a foul libel upon the Queen Regent having been published, and I shall not easily forget the burst of public indignation with which it was received by all classes of Spaniards at Madrid. A jury was not then found wanting to do its duty, and the author of the libel was condemned to the greatest punishment which the law permitted. There was not a man who did not appear to think that an attempt to lower the dignity of the Crown was a national insult—an insult replete with evil and danger; and that publicly to calumniate a woman, and that woman the Queen was a national degradation. I say then, my Lords, that if such is the use that Spaniards make of their new institutions—and I repeat that the fairest mode of trying their merit in so doing, is by comparison with ourselves—the noble Marquess is no more justified in saying that Spaniards have a disgust for their institutions, than he has to charge her Majesty's Ministers with having promoted political changes in that country, or to say that our policy in Spain led to the Canadian revolt, and the occupation of Algiers by the French, for such are the somewhat startling assertions to be found in the noble Marquess' speech of last year. My Lords, I opine that we have never, directly or indirectly, interfered with the political changes that have taken place in Spain; but I do say that it is natural that our sympathies and good wishes should be enlisted on the side of a country struggling to rescue itself from oppression and degradation, and to recover its lost place among the nations of Europe. It is not only our sympathies, however, that should be enlisted in behalf of Spain, for I believe that a nation ought not to have sympathies, but should be guided by its interests; and I say we have an enormous interest in the triumph of the Queen's cause—first, because it is by that triumph alone that the Peninsula can ever be tranquil, and enjoy and impart the blessings that tranquility brings into it; next, because it is to Spain, under liberal institutions, and not under an absolute form of Government, that we must look for a useful ally—that we may expect to find a wealthy customer for our productions, and new markets for our manufactures, and a friend instead of an enemy in our political relations with the rest of Europe; and in the present state of these relations neither friends nor enemies are to be despised. My Lords, I have not the presumption to expect that I can in any way influence the opinions of the noble Marquess respecting Spain; but I cannot conceive that those opinions are held in common with many of your Lordships, for I am sure that whoever has read the history of Europe rightly, as connected with Spain, and more especially for the last 150 years, must ackowledge that their power, prosperity, and above all, in the independence of Spain we are deeply interested. Her Majesty's Government having taken this view, this, in my opinion, most just and proper view of the interests of Great Britain have, during the last six years, rendered very important services to Spain, for which that country, whatever the noble Marquess may think to the contrary, is profoundly grateful, and for my own part I only regret that that debt of gratitude should not be greater, and that circumstances should have prevented her Majesty's Government from more effectually assisting the Queen of Spain. I regret that the restoration of Spain to that rank among nations which she is beyond all question destined again to occupy, should not have been more exclusively owing to the aid which in her hour of difficulty she received from this country. My Lords, I have only now to thank your Lordships sincerely for the attention with which you have been pleased to listen to me, and again to apologize for having obtruded myself upon your notice; but, my Lords, connected as I have been with Spain, and knowing as I do how sensitively alive Spaniards are to the good opinion of Englishmen, and how deeply mortified they have been at the misrepresentations which have been current respecting them in England, I was anxious to avail myself of the only opportunity that can occur during the present Session of Parliament to record (although I may have done it in a feeble and ineffectual manner) the opinion which, by close observation, I have conscientiously formed of that brave and generous, (but in this country), much misrepresented people.

Viscount *Melbourne :* After the speech made by his noble Friend who had just sat down, who was so much better acquainted with the subject than he was, and who had been so much engaged in the transactions of that country to which the questions of the noble Marquess related, would confine himself exclusively to answering those questions. At the same time, he must say, that considering the general nature of the observations of the noble Marquess, and the very wide manner in which he had entered into the whole question of Spain, it was extremely natural that his noble Friend should have stated his opinion on a subject of so much importance. The noble Marquess had asked, whether, in the opinion of her Majesty's Government, there was any engagement under the treaty of Quadruple Alliance, which prevented Great Britain from entering into a negotiation with other powers for the avowed purpose of the pacification of Spain. There certainly was no engagement in the treaty of Quadruple Alliance which prevented England from entering into negotiations with the other powers for the pacification of Spain; but when the noble Marquess asked why communications should be made with the Northern Powers asking for their assistance in putting down the atrocities in Spain, without stating the engagements her Majesty's Government were under by the treaty of Quadruple Alliance, he must say, that the Quadruple Alliance was perfectly well known to all the powers of Europe: it had been published, communicated to them, and laid on the Table of both Houses of Parliament. At the same time, although there was nothing in it which should prevent her Majesty's Government from concurring with other powers in settling the affairs of Spain, yet the terms of that treaty, as had been stated in another place by his noble Friend, the Secretary of State for the Foreign Department, placed us in a different position with respect to Spain and those powers; and, having acknowledged the Queen of Spain, it was natural, when we were asked, whether we could enter into an alliance of that kind, that we should wish to know what were the general grounds on which we were to enter into that negociation; but he entirely denied that the overtures which had been made by Count Nesselrode to her Majesty's Government were not met in the fairest spirit, and with the most anxious desire, to embrace every opportunity for bringing the unfortunate state of affairs in Spain to a favourable termination. His noble Friend had alluded to the fact of the conference at Aix-la-Chapelle; and, unquestionably, it was very natural, if not necessary, that the Government should know, before they gave their assent to that proposition, what were the precise grounds and means by which it was proposed to bring about that end which they all desired. The noble Marquess had referred to the case of Belgium; but that was begun by the three powers interested, and terminated by them with the concurrence of the other powers of Europe. The noble Lord had asked him, whether Great Britain and France did not stand now in exactly the same situation as to Spain in which the three other powers were placed in regard to Belgium. The question of the noble Lord was, why, if Great Britain and France did not stand in the same position as the other powers, the overtures of the 27th of November had been made, and whether it were understood that England and France were to monopolize the affairs of Spain; and to this he could say that France and England stood in no other different relation as to this question, except so far as the treaty of Quadruple Alliance was concerned, by the provisions of which they had been placed in a different position with respect to Spain, from that in which the other powers of Europe were placed who had not been parties to that treaty, and who had not recognized the Government of the Queen of Spain. The next question was, "did her Majesty's Government intend to forego their efforts for extending the benefit of the Eliot convention to the whole of Spain?" It was not his intention to enter into the question as to the atrocities that had been committed in Spain during this war, but he hoped that under the last convention between General Maroto and General Cabrera there would be an entire cessation of such atrocities. He was sorry to say, that by accounts which had been recently received, that although with regard to the main armies that convention had been observed, yet in other parts of the provinces where the parties were small there had been much violence displayed; but he thought, after reading the papers to which the noble Marquess had referred, after reading the testimony of Colonel Wylde, it was impossible to doubt with which party had begun and been carried on those atrocities and cruelties, and with whom in fact rested the crimes that had been committed. That, however, was a question on which it was unnecessary to say anything more; but he earnestly hoped that such might be the effect of this arrangement between the commanding officers of both armies, that those atrocities might be put an end to. The reason why the Eliot convention had not been extended was, that at the time when it was proposed Don Carlos had no forces in the other parts of Spain. The other question of the noble Marquess was, "whether the Government intended to take any decisive measures to induce the Government of Spain to liquidate the claims of the Auxiliary Legion, or to cause certificates to bear date and also to bear interest." Every one knew the great debt under which the Spanish Government was labouring, but he earnestly hoped that the engagements undertaken by this commission might be fulfilled, and no exertions on the part of her Majesty's Government should be wanting to induce the Spanish Government to do justice. The noble Lord had made a most violent attack on her Majesty's Government in introducing this subject, as he said without the least expectation of doing any good, but merely for the purpose of showing that there were individuals who thought rightly and justly on this subject. Whether those statements were entitled to any weight or influence it was for others to decide.

The Duke of *Wellington* was happy to be able to congratulate their Lordships that at last they had reason to hope, from the statements of these papers, that there would be an end put to this disastrous and disgraceful system of warfare; and he should have here ended what he had to say to their Lordships on this subject, if his transactions and his name had not been referred to; and as he thought that some erroneous opinions were entertained, and had been stated by her Majesty's Government, and by the noble Earl opposite, who had made a most able speech on some points, he thought it his duty to notice them. He had frequently stated to their Lordships, in discussing this subject, that the attitude which it was essential that this country should assume in order to be able to attain the object which it appeared from these papers had been at last attained, was its neutral attitude, under the quadruple treaty, and not the character of a belligerent. He had always said, that if her Majesty's Government had assumed the position in which she really stood by the quadruple treaty, that of an ally of the Queen of Spain, if their Lordships pleased—that of a power who had acknowledged the rights of the Queen of Spain to the throne, if they chose—that of a power bound by a certain treaty to give specified assistance, and giving that assistance, but at the same time doing no more, and being strictly neutral in all matters for carrying on the war, except under the circumstances specified in the treaty—he did say, and he had said so all along, that her Majesty's Government must have had influence enough to be able to put an end to the system of warfare which had so long shocked all mankind. The truth and justice of this opinion was founded on a due knowledge of the nature of the war, and of the two powers by whom it was carried on; and if at the very first suggestion that there should be a strict neutrality between those two powers, her Majesty's Government had made a proposition of that kind to the Austrian Government, that object would have been attained which had remained to be done; and they had to do nothing more than to carry into execution all the details of that treaty as early as they could. He said that when the Government in 1834 took upon themselves the real position which belonged to them, and when their interference produced what was called the Eliot treaty, the operation of that treaty would have continued, and the influence of this Government in the contests between the belligerents in Spain would have continued in the same beneficial course, if the same line of policy and conduct had been pursued from the commencement. It was impossible to say what, at this period, would have been the consequence with respect to the relations between the two belligerents at the present moment of such course of conduct, and he certainly hoped that it might have been attended by the best of all consequences—the pacification of Spain, and the establishment of Government, and the enjoyment of peace and happiness by all the worthy, for he must call them worthy, inhabitants of that country. He now came to another part of the subject which, in his opinion, was entirely mis-stated by the noble Lord opposite, and also by the noble Viscount, and not understood by her Majesty's Government, and that was the situation in which they stood in respect to the great alliances of Europe in consequence of the quadruple treaty. The noble Earl said, "Oh, we could not enter into a treaty with the great Powers, because we were parties to the quadruple treaty." The noble Earl said so, and the noble Viscount repeated the idea. That was not fact; the fact was this—they could not enter into a conference with the other three allies, because Great Britain was belligerent; the other three allies not only did not acknowledge the Queen, he believed they had not formally recognised her, although they might be disposed to do so, but they were neutral in the contest; but England stood in another position, that of belligerent. Why, it was obvious that there could be no concert between the parties. He admitted that that would have been impossible, not on account of the quadruple treaty, but of the belligerent position which this Government had thought proper to take under the quadruple treaty. If they had confined themselves to the quadruple treaty, they might have entered into conferences with the other powers for the pacification of Spain. It would not have succeeded, perhaps, and he should hope it never would on the basis alluded to by the noble Earl. But there were other means by which a conference might be successful, or by which our mediation might have been used, and which would have been infinitely more valuable than the aid of a few companies of marines. The moral influence of this country might have been used with great advantage for the pacification of Spain, and it would have been far more effectual than any they had used. That was the course which he had always contended should have been taken. He did not ask them to break any treaty. On the contrary, he thought they ought to walk in it to the very letter in support of the queen of Spain, but not to put themselves in the position of belligerents, and still less of belligerents carrying on a little war. He had inculcated this course over and over again on her Majesty's Ministers, and the papers now on their Lordships' table showed that from the beginning he was right. After all the blood that had been shed in this barbarous warfare, the Government now called a neutral power to aid them in the pacification of that interesting country, and the papers on the table would show that it was not otherwise in their power to produce those effects so eloquently described by the noble Earl. He was glad, however, that recourse had at last been had to negotiation, and he hoped the Government would now persevere in that course, which was likely to be so beneficial in Spain.

Lord *Brougham* said, he had heard with great satisfaction the statements made by his noble Friend the noble Earl (Clarendon), and he concurred with him in regretting that so little attention was paid in this country to the state of our foreign relations. It was not his intention to enter into any discussion as to the affairs of Spain, he would say that he had very great doubts not only of the expediency, but also of the lawfulness of this country allowing its subjects to engage in the wars carried on by other countries. He did not say that cases might not arise in which, without the commands of the civil magistrate, the subjects of one state might take a part in the wars of another, or in a war carried on between two states to neither of which he belonged; but he thought it required a very strong case to make out a justification of that course. He thought that we could not without deep regret, and with any feeling but that of satisfaction, look at the number of our countrymen who had been engaged in a contest which in its progress had exhibited scenes of horrid murders and assassinations on a large scale, not in the heat of battle, but sometimes in cold blood, after battle, or where no battle had taken place, but where parties had been taken by surprise, and sometimes—and this was the most hideous shape which those murders could assume—under the forms of courts of justice, where all the substance of justice was abandoned. He grieved to say that Englishmen had, he would not say been guilty of those murders, but had continued afterwards associated in arms with those parties by whom they were perpetrated—nay, that some Englishmen had sat as members of courts for the trial of Englishmen, and where the trials were followed by sentence and immediate execution. He thought that such conduct on the part of subjects of another state, having no necessary connexion with the parties at war, was unlawful, and was directly at variance with the doctrine of Christianity. If anything could make war lawful, it must be defensive, and then only by the command of the civil magistrate. It was therefore unlawful to engage in a war carried on between two powers, of neither of which the party aiding was a subject; but the act was still worse when the aid was given to one of two parties engaged in civil war. He mentioned this because he had on a former occasion spoken of the force going from this country to aid the cause of Donna Maria, and on that occasion he wished those parties success in their undertaking. He then spoke in the warmth of debate, and much more had been made of his remarks than the thing warranted. He would not retract those remarks, but he would admit that he had then spoken without sufficient qualification. If any one had any doubts on the subject of the inexpediency and the unlawfulness of joining in civil contests such as those of Spain by parties not subjects of that country, his eyes would be unsealed by the revolting, disgusting, and abominable atrocities which had been perpetrated on both sides.

Subject dropped.

COUNTY MAGISTRATES ACTING IN BOROUGHS.] The Duke of *Richmond* wished to put the question to his noble and learned Friend on the woolsack, he wished to know whether magistrates of counties, in which the new boroughs were situtated, had authority to act as magistrates in those towns. In the course of a discussion which took place in that House a few evenings back, it was stated by a noble and learned lord (Denman) that magistrates of counties had not any authority to act as magistrates in new boroughs. Since then a question had been put on the subject, in another place, to the noble Lord the Secretary of State for the Home Department, who stated that, in his opinion, county magistrates had the power to act in those new boroughs. He certainly concurred in the answer given by the noble Lord the Home Secretary, but as a difference of opinion existed on the subject, he thought it was of importance that the question should be set at rest. It was of importance to Lords-lieutentant of counties to know with certainty what the law was on the matter. For instance, if a county magistrate had been present at the late riots at Birmigham, and if he refused to act in suppressing the riot or committing prisoners, he would (if he had authority to act) be liable to prosecution for refusing; but, on the other hand, he would be liable to prosecution if he acted without authority. He would therefore, beg to ask his noble and learned Friend on the woolsack whether he was prepared to answer the question now, or if not, if he would read the act and give his opinion on a future evening?

The *Lord Chancellor* said, he should feel no hesitation in answering the question put by his noble Friend; but, as a difference of opinion existed on the point, he would look over the Act, and would endeavour to obtain the grounds of the opinions held on it.

Viscount *Melbourne* said, that magistrates should not pay attention to opinions on points of law pronounced in the course of debate in that House.

Lord *Ellenborough* said, that the opinion to which his noble Friend the noble Duke referred was not given hastily in the course of debate. In was the opinion of the noble and learned Lord the Chief Justice of the Court of Queen's Bench, and was supported by that of a noble and learned Lord who had filled the office of Lord Chancellor. The opinion was given at the close of the debate for the information of their Lordships as to the law on the point.

The Duke of *Richmond* agreed in the old remark, that an opinion without a fee was not worth much, but he did hope that this important question would be set at rest without delay.

Subject dropped.

PENNY POSTAGE.] The Duke of *Richmond* presented a petition signed by the mayor and upwards of 12,500 of the merchants of the city of London, and which he understood, had been signed in twelve hours. The petitioners prayed, that no assumed temporary deficiency in the revenue should delay the introduction of so important a measure as a uniform penny postage. Some years since, he had stated they ought to reduce the rates of postage; that the postages were too heavy, and acted as an unequal tax; and if the postage had been then reduced the revenue would not have suffered. The consequenee was that a great number of petitions had been presented to that House on the subject, and he understood that a bill relating to this matter had been introduced into the other House of Parliament. He did not think there would be any difficulty in working the alteration as proposed; but the difficulty which many men felt on the question was, that it would cause a great loss of revenue, and that was the real difficulty in the question. He concluded that before the bill on this subject had been introduced into the other House of Parliament it had been well considered; and he wished to ask whether her Majesty's Government had any estimate of what they believed the number of letters would be. He thought that this measure must be passed into a law; he thought it would be impossible now that they should prevent it; but at the same time he thought that such precautions ought to be taken in the bill before Parliament as that the revenue should suffer as little as possible. He thought they ought to have a clause in that bill to prevent the railroad companies charging more for letters than they charged for the luggage of a passenger. But if these companies were to continue to charge the same as they did now, with four or five times more letters, the charge would be much increased and very heavy. He understood that now the letters by the railroad from London to Birmigham cost more than they had done by the mail-coaches. When the bill should come into that House, being a money bill, there would be great difficulty in making any alterations in it; and he would now state that he was much surprised to find that the Lords of the Treasury had all the control under the new bill. Formerly the Postmaster-General had all the control, doing things with the approbation of the Lords of the Treasury, but the Postmaster-General was the responsible party. Broad shoulders the lords of the Treasury had, and if their measures were not good, they would only be able to abuse them *en masse*, instead of making the Postmaster-General responsible. He trusted also that a regulation would be made with regard to letters sent abroad by vessels. At present they might send letters by any ship without passing through the Post-office, and it was said that one ship left Liverpool with only eight or ten letters from the Post-office, and with many thousand letters from individuals. If they gave a great boon to the commercial and manufacturing interests whose business led them to write more than the agricultural interests, if the Government conceded one uniform rate of postage, not charged as heretofore for any supposed service by way of carriage, charging the same for 3,000 miles as for 100, they ought to force all parties to assist as far as possible the revenue, as well for home letters as to the colonies. With such regulations, and with a penny stamp, he felt that in a few years the revenue would recover itself to a considerable extent.

Viscount *Duncannon* said, that the noble Duke had asked him to state, whether, previously to undertaking this measure, her Majesty's Government had used any exertions to ascertain what would be the loss to the revenue? He was afraid that he could not give the noble Duke a very satisfactory answer. The measure had been much taken into consideration, and there were many opinions on the one side and on the other. For himself, he was persuaded, that with great exertions on the part of those who should carry the act into execution, there would not ultimately be any loss. The present bill was continued only for one year, and it certainly gave great powers to the Lords of the Treasury, which appeared to him to be necessary, because in case of a deficiency to any great extent some things must be provided for by the Treasury ou of other sources. Some of the hereditary revenues of the Crown, and certain pensions, were settled on the post-office revenue. Great powers were, therefore, necessary for the Lords of the Treasury to make regulations on those subjects. As to the calculation of the amount of letters at present, and the amount hereafter carried, the only calculations which he was aware of were made by the person under whose name the plan went, Mr. Rowland Hill, and the examinations before the Committee of the House of Commons. Mr. Hill's calculations were as fairly borne out as they could be by the examinations; from them it appeared, that the average amount received for letters at present was 6½*d.*, and that the average amount to be received if Mr. Rowland Hill's plan were taken to its full extent, was 1¼*d.*, the consequence was, that if they took the present number of letters at 80,000,000, the number of letters necessary to make up the deficiency would be 400,000,000. He believed, that it might be fairly anticipated, that ultimately such an amount of letters might be depended on, but there must be very great exertions on the part of those who were to carry the act into execution, and also, that such regulations should be made as should enable the post-office to detect the frauds which were at present committed on the revenue, particularly in the large packets sent abroad and to the colonies, and, he believed, to an almost equal extent by stage-coaches. The best exertions must be made to prevent fraud, in order to have the plan carried into effect with the greatest advantage to the public, and with the least loss of revenue. It was certainly unfortunate, that something had not been done when the railroad bills were before the House to make suitable arrangements for the conveyance of the mails, but he did not think, that there was the large additional amount of charge for the conveyance of the mails to which the noble Duke had referred. The former expense for the conveyance of the mails from London to Dublin was about 9,000*l.* a year, it now amounted to between 33,000*l.* and 34,000*l.*, but it was hardly fair to charge this on the railroads, for if they took the additional expense, they must also take into consideration the great advantage the public derived from the railroads. At present there were two distinct ports between London and Dublin, and besides, almost all the London and Edinburgh letters went by the railroads, therefore, if the expenses were quadrupled the advantages were also quadrupled. In conceding this reduction, Ministers were but acceding to the general wish of the country, and having acceded to this wish, the Government had a right to call upon those to whom they had given the boon to assist them to prevent frauds on the revenue, and that every exertion should be made to benefit the public.

Lord *Ashburton* thought, that it was very inconsistent to discuss a measure which was not before the House. Great advantage was certainly derived from the greater rapidity of the railroads, but the passengers by railroads did not pay more than by common roads, and went at the increased rate. Therefore no greater charge ought to be put upon letters carried by railroad than by the present mode of conveyance. He thought, that the sum to be received from the post-office under the new plan would not probably exceed 2,600,000*l.*, and that was a large sum to be collected in pennies.

Petition to lie on the table.

HOUSE OF COMMONS,

Tuesday, July 23, 1839.

MINUTES.] Bill. Read a first time:—Bastardy.

Petitions presented. By Viscount Maidstone, from Halifax, against any further Grant to Maynooth College.—By Mr. Strutt, from Derby, against the Factories Bill.—By Mr. T. Duncombe, from the West Riding of Yorkshire, against granting additional powers to the Poor-law Commissioners; also against the Collection of Rates Bill; from Edinburgh, against the conduct of Government towards the people of Birmingham.—By the Attorney-General, from Edinburgh, for a Uniform Penny Postage; from the Scotch Burghs, for facilitating the admission of Freemen.—By Lord G. Somerset, from Newport, for the Repeal of the Beer Act.—By Sir Charles Knightley, from Northampton, against any further Grant to Maynooth College.

COUNTY MAGISTRATES ACTING IN BOROUGHS.] Mr. *Hume* begged to ask the right hon. the Attorney General how far the authority of the Magistrates of Warwickshire extended into the borough of Birmingham, as some doubts appeared to be entertained on the subject.

The *Attorney General* regretted to say, that the reported opinion of the Lord Chief Justice of the Queen's Bench appeared to him not to be altogether correct. He thought the noble and learned Lord's attention had not been sufficiently drawn to the enactments on the subject. He (the Attorney General) was of opinion that the county magistrates had a jurisdiction within the new borough of Birmingham; unless there was a *ne intromittent* clause in the Act they could not be ousted from their jurisdiction within the borough. Now, in the Birmingham Charter there was no such clause, nor had there been any other circumstance to oust them from the jurisdiction which they originally had in the county, and all the towns within it; and with regard to the Municipal Corporation Act there was nothing in it to affect their authority. The 111th section enacted, that until the grant of a Quarter Session the magistrates are to have jurisdiction as such within the borough, and after that the power was to be what it had been previous to the passing of the Act.

BIRMINGHAM POLICE.] Lord *John Russell* moved, pursuant to notice, that the Order of the Day for a Committee on the Birmingham Police, with a view to vote money, should be taken before the notices of motions.

Mr. *Hume* asked why the corporation could not raise the money on their own security, without applying to the Government. He did not object to the institution of a police, but he thought that corporations were the best judges of their own pecuniary affairs.

Lord *John Russell* said, that this corporation was not empowered by law to raise money on the security of the rates, and another reason was, that it was desirable this question should not be complicated with the consideration of other questions. At Manchester the town-council had issued orders to the churchwardens and overseers commanding them to assess a certain sum of money as a borough rate for the maintenance of a police force for that town. This had been resisted, and a question raised to try the validity of the charter. No question of this sort had been raised at Birmingham, and it was exceedingly desirable that such should not be the case, which most probably would be the case if in the present state of excitement the Corporation were to attempt to impose a rate.

Mr. *T. Duncombe* said, the old fashioned manner of proceeding was, to consider of and redress grievances before granting money. Now, the motion of his hon. Friend the Member for Westminster related to a very great grievance. Why should not it have precedence? Again, why should they put their hands into the public purse, in order to support a police for Birmingham, the largest town in the kingdom, provided with a corporation for its own government. He predicted that it was only giving the money away; it would be like that loan of a million which was given to the Irish parsons. The hon. and learned Member for Dublin had talked of the Order of the Day having precedence because houses were burning in Birmingham. The cause of all that was the conduct of that House. They might add 5,000 men to their army—they might increase the police force, but it would all be of no use so long as that House went on in its present course. On a subsequent occasion, his hon. Friend the Member for Birmingham, supported by his hon. Friend the Member for Oldham, presented a petition from 1,200,000 persons. They asked the House to take it into consideration only, but not more than forty-eight Members could be found to vote in favour of their motion. Could they believe the people would be contented when they had added 5,000 men to the army, or that the police would be of use if that House persevered in such a course. He (Mr. D.) believed the country was in a dangerous state; he believed great discontent and distress prevailed, and a vote of the sort then proposed being passed before the country had any time to reflect upon it, would cause great consternation and dismay throughout the country. On the 22nd of July, within, in all probability, three weeks of the close of the Session, the noble Lord came down from the House and said the country was in such a state that he must increase the army to the extent of 5,000 men, and advance 10,000*l.* to the corporation of Birmingham to keep the town quiet. He did not believe that would keep the town quiet. He believed the House would have to listen to and redress the grievances of the people, before the town of Birmingham or the country generally was quiet again. There was a grievance complained of in the petition which his hon. Friend the Member for Westminster, had given notice of; but to which the Government wished to give the go by. If the noble Lord got his 10,000*l.* first, then, as his hon. Colleague (Mr. Wakley) had said, all the Gentlemen would go to their dinners, and leave the people of England starving and in distress.

Mr. *D'Israeli* thought, before the House agreed to any one of the projects of the noble Lord, they ought to inquire into the causes of the insurrectionary spirit, and whether the conduct of Government was concerned in that insurrectionary spirit. How could they tell, but that the cause of it might not be the country having to struggle with a weak Government?

Mr. *Easthope* said, it was the first duty of Parliament to do that which was best calculated to secure tranquillity. He should cordially give his support to the proposition of the noble Lord.

Mr. *Leader* did not see there was such very great urgency for the motion of the noble Lord. He believed the disturbances in Birmingham had been very much exaggerated. He would persevere in his objection to the irregularity on the part of the noble Lord, and would take the sense of the House upon it.

Lord *John Russell* observed, it was said he was now proposing that an Order of the Day should take precedence of Notices of Motion. Now when that petition, signed by 1,200,000 persons came on for discussion, he had himself proposed, although the Order of the Day then took precedence, that the discussion on that petition should be taken first. He had not endeavoured to shirk the discussion, but had fairly met the reasons urged by the hon. Gentlemen who proposed and supported the motion. That motion was, therefore, disposed of in the most deliberate manner, and he had not by the course he then took precluded himself from doing that which he now proposed.

Sir *Robert Peel* felt it to be his duty to support the noble Lord, and he thought what had been said about the danger of leaving that great manufacturing town in the possession of a mob—houses being set on fire and pillaged—and the whole being in a state of anarchy, did constitute a sufficient reason for proceeding at once to consider what steps should be taken to restore tranquillity. There was something so peculiar in the circumstances of the country, in the announcement that had been made, and in the known facts of what had taken place at Birmingham, that he thought it would be of the greatest advantage they should take the earliest opportunity of providing a civil force, so that that portion of the civil force, now there might be removed from the town. He was confident, that the sooner they removed the metropolitan police from Birmingham, consistently with a determination to supply its place with another, the better. The House would be best performing its duty by taking effectual measures for maintaining the public tranquillity.

Mr. *Fielden* said, it was undoubtedly the duty of the House to secure the tranquillity of the country, but the question was, whether the mode proposed by the noble Lord was likely to attain that object. He thought the best mode of trying to conciliate the people was to endeavour to redress the grievances of which the people complained. The complaint was of the London police having been sent to Bi- mingham, and the general feeling was that the disturbances arose therefrom. The House ought to redress the sufferings of which the people complained instead of providing a force to put down their complaints, which most assuredly never could be put down by such means. He trusted the hon. Member for Westminster would take the sense of the House on the question.

The House divided: Ayes 144; Noes 3:—Majority 141.

List of the NOES.

	TELLERS.
D'Israeli, B.	Leader, J. T.
Fielden, J.	Duncombe, T.
Wakley, T.	

The Order of the Day for going into a Committee of the whole House upon an advance of money for the Birmingham police was accordingly read,

Lord *John Russell* said, in moving the resolution which I am now to propose, I think it my duty to state the circumstances which have made it necessary for me to propose this vote. It has been stated, that an assembly of persons lawfully met together, and conducting themselves peaceably, for the purpose of discussing public grievances, were interrupted by a sudden attack on the part of the metropolitan police; and an attempt has been made to refer what has since taken place, to this which is described as a wanton and unprovoked attack. I think it necessary to state the representations made to me with respect to the state of Birmingham previous to the late occurrences. For some time there had been meetings held at which the most violent and inflammatory language was used. On one occasion certain persons were arrested and held to bail for using such language. But within the last month the practice of holding those meetings had very much increased, and it became the habit of a number of persons to march through certain parts of the town with banners, and by that means alarming the people. Representations were made to the authorities of Birmingham, that persons carrying on their lawful business in the thoroughfares through which the crowds passed was endangered and disturbed by these meetings. It was stated at the same time, that there was not an adequate civil force in the town for the arrest of the persons so conducting themselves. Now, it is a very great mistake, which may easily be fallen into, to suppose, that when there is no actual riot and breach of the peace, no actual damage to persons and property, that such meetings can be considered lawful. The authorities on the subject will show that this is not the case. I will quote one or two, because I think the opposite opinions likely to lead to great mischief, and innocent persons may be induced to mix themselves up with meetings of an unlawful character, from supposing that no injury can happen to them from such an indulgence of their curiosity. Now, at the especial commission of 1831, Mr. Justice Bosanquet described as unlawful

> "All assemblies, not held by lawful authority, attended by great numbers of people, with such circumstances of terror as are calculated to excite alarm and to endanger the public peace."

On a very late occasion at Devizes, Mr. Justice Coleridge charging a jury, stated that

> "Any assembly where people met together in great numbers, using arms, or using violent, seditious, or threatening language, or even strong gestures against persons concerned in the preservation of the peace, is by law considered an unlawful assembly. It is laid down in a common book of reference, in a late edition of 'Burns' Justice,' that a meeting of great numbers of persons with such circumstances of terror as may endanger the public peace, and raise fears of violence, seems properly to be called an unlawful assembly."

It is obvious that circumstances which create terror may be very different at particular times. Thus a mob meeting at night with persons carrying torches and using threats against the property of the inhabitants of a district may be unlawful. At another time there may be persons armed, carrying weapons, firing them off, and thereby terrifying the peaceable inhabitants; or there may be a meeting of persons carrying bludgeons, using gestures and threats to the inhabitants in crowded streets, which may cause the meeting to be an unlawful assembly, and punishable by law. I have stated this, because it has happened within four or five months that I have been very frequently appealed to mention the particular circumstances which make a meeting an unlawful assembly. I could only refer those who made the enquiry to the books of authority, and to the charges delivered by judges. But there can be no doubt that these assemblies in Birmingham, consisting of three, four, and sometimes five thousand persons marching in the way I have described, and terrifying persons from resorting to their usual thoroughfares, did constitute unlawful assemblies, and were also a great grievance to the peaceable inhabitants of the town of Birmingham. The magistrates of that town finding that the civil force in their hands was not sufficient for the purpose of arresting persons concerned in such meetings: and unwilling, in the absence of any actual riot, to call in the military, asked me to grant them assistance by enabling them to swear in as special constables a number of the metropolitan police, for when the metropolitan police are sent to a place in the country, they act there as individuals sworn in by the magistrates as special constables. An act of Parliament passed three years ago, by which persons able and willing to serve may be sworn in as special constables, though not belonging to the neighbourhood, and may be paid as such. In that way the magistrates of Birmingham asked the aid of the metropolitan police. I need not tell the House what has since occurred, both in the arrest of several persons concerned in these unlawful assemblies, and likewise the riots which occurred on Monday the 15th, when some houses were destroyed, and other houses and property plundered by a riotous mob. But I think the Committee will agree that although the magistrates might be justified in taking the measure which they did for the preservation of the peace of that town, yet they ought to form as soon as possible a regular police force which might constantly preserve the peace. There are difficulties in the way of an immediate organization of such a force, both from the excited state of Birmingham and from the question raised in Manchester with respect to the corporation, and which might cause some doubt of the power of the corporation of Birmingham to levy a borough rate for the organization of a police force. I propose, therefore, as the object is a most desirable one, and one which concerns the general state of the country as well as Birmingham, that the State should so far interpose as to advance a sum of money, to be afterwards repaid by the town. I propose that this should not be a vote of supply, but a vote forming the foundation of a bill, which bill should provide for the recovery of the money by means of a rate on the borough; that rate to be imposed by Act of Parliament, and therefore totally irrespective of the question of the authoritity of the corporation. There is one circumstance which I wish to explain concerning the state of Birmingham, because a letter addressed to me concerning the late events has appeared in print, the parties who sent it having thought proper to publish it. It had been stated, that it was desirable that inquiry should take place, and I required that any allegations to the effect that the magistrates of Birmingham had information of the riots about to take place, and had neglected to take measures for preventing them, should be distinctly stated, with the authority on which they rested. It seems to be supposed that I thought proper to cast censure on those who asked for enquiry. I do not think that the course which I took at all implied censure on those parties. There seems to be some ignorance on the subject of that letter, and some impression that I refused that any inquiry should take place into the conduct of those magistrates. It is certainly a custom—not a custom established by me, but long established by Secretaries of State—when complaints are made against official persons, to furnish them with full information on the subject, and to ask them what they have to allege in answer to the statements that have been made. On the occasion of the election of 1837 complaints were made against the officer commanding the cavalry. On that occasion there was a disposition to riot shown, and the police and military were called out. It appeared to the magistrates that the military had conducted themselves so well on all occasions, and that they had acted with so much decision, and at the same time with such temper and forbearance, that I was asked by the magistrates to approve of the conduct of the commander-in-chief, and I accordingly expressed to him the thanks of his late Majesty for the conduct of the troops on those several occasions. Among the troops so employed, were the troops that acted at Birmingham, and Sir Maxwell Morrice was the officer employed. After this complaints were made of the conduct of Sir Maxwell Morrice, and, after hearing every thing that could be said, it appeared to me that that gallant officer had acted in a manner that was highly creditable to him; that placed as he was in most difficult circumstances, he might have committed a trifling error of judgment in part of his conduct, but that, upon the whole, he had acted in a way most likely to preserve the peace of the town. Upon my expressing that opinion to those who asked for inquiry, I added, that I did not think it right, entertaining as I did such an opinion, that this military officer, who had conducted himself in what I thought a proper manner, should be subjected to a formal inquiry, implying, as it might be thought to imply, something of censure. That is the matter to which reference is made in the letter lately published. I shall take care that the letter I wrote upon that occasion shall be produced, and although the circumstances may not now excite much attention, yet it will explain what seems to require explanation. I will now only move, "that the Commissioners of her Majesty's Treasury be authorised to direct that the sum of 10,000*l.* be advanced out of the consolidated fund of the United Kingdom, for the purpose of establishing a police force in Birmingham, the same to be charged upon, and repaid out of, the rates to be levied on the said town." If this resolution be agreed to and reported, I shall then ask for leave to bring in a bill founded upon it; and I shall take care that the bill shall provide that the advance be repaid out of the rates so raised.

Mr. *Hume* understood they were called upon to make this advance, in consequence of the corporation having no power under the charter to borrow money for the purpose to which this advance was to be applied. If that was applicable to Birmingham, was not every other corporation under the same circumstances? Ought not every one to have the means of establishing a proper effective police? Scarcely one of the old boroughs maintained a proper and adequate police. He had no objection to the resolution; but he did object to the grounds on which the noble Lord supported this vote, and to the authority of Justice Bosanquet and Justice Coleridge. He was disposed from what he knew of the Constitution to deny altogether the grounds of their opinion. If the fact of a meeting being numerous was to be a ground of its being unlawful, he knew of no great public meeting that was legal. When the Six Acts were passing, and when the present Lord Plunkett and Lord Melbourne defended those Six Acts, he was very much mistaken if the noble Lord (Lord J. Russell) did not produce better and more valuable authority for authorising the people to meet. Mr. Justice Bosanquet's opinion was, that every meeting not called by legal authority was unlawful. It appeared to him that this was a most dangerous doctrine. In 1831 and 1832, when meetings took place connected with the Reform Bill and the state of the country, he was sure that if the definition by those two judges, as given by the noble Lord, had been applied to those meetings, very few of those who took part in those meetings on those occasions would stand clear of having violated the law. If Mr. Justice Bosanquet's opinion were law, he had no hesitation in saying, that every one who joined in those meetings, numerous as they were, and containing as they did many of those who had formed part of the Administration since, had been guilty of illegal conduct. Protesting as he did against that doctrine, he admitted the propriety of a police force being established in every town; and, as he saw no means of immediately accomplishing that but by an advance from the public purse, he would make no objection to the loan. He wished they would not look merely at Birmingham, but to Manchester, Newcastle, Carlisle, and other places where disorder was spreading over the whole manufacturing population. They would do well to see whether this bill could not be made general, and whether those who had the peace of large towns to maintain ought not to be provided with an adequate and proper police. He must, in conclusion, protest against a doctrine which would make almost every meeting of the people illegal; and he did not think that there was any occasion to introduce it, unless the noble Lord was prepared to lay it down, and to found upon it a gagging Act similar to that of 1819.

Sir *E. Wilmot* said, it should be recollected that Birmingham was, in point of fact, an overgrown village, and the only officers there were the high and low bailiffs and the constables. There was another body, called the street commissioners, who had hitherto exercised the power of appointing policemen or watchmen. Since the charter of incorporation was granted, these commissioners and policemen had ceased to act.

Mr. *Scholefield* said, that the reason why the new corporation had not appointed police was, that they could not raise the necessary funds according to the present charter. The mayor and corporation, accordingly, anticipating a disturbance, applied to the noble Secretary of the Home Department for assistance, and that noble Lord had very properly sent down a body of police. He thought it was quite clear, that the riot would have broken out whether the London police had been sent or not.

Mr. *W. Williams* said, that if the people of Birmingham had not the power to raise money to establish a police, a bill ought to be passed at once to give them that power. A bill ought to be brought in, to give power to all towns where a corporation was established to raise money to establish a local police; for he believed, that a local police would be much more efficient for the preservation of peace than a London police. He thought, that the late excitement in Birmingham had been caused by the most unjust, most unwarranted, and most gross treatment of Messrs. Lovett and Collins. But for that treatment he thought that no disturbance would have occurred. He did not approve of the principle of making this advance, and he thought, that the best course would be to bring in a bill to give power to Birmingham to levy a rate for the purpose of establishing a police force.

Mr. *Warburton* would support this vote on the ground stated by the hon. Member for Kilkenny.

Sir *R. Peel* wished to know if he was correct in understanding, that this bill would contain an express provision, that the present advance should be repaid by local assessment, to be levied upon the property of the inhabitants of Birmingham?

Lord *John Russell* said, that the right hon. Baronet had understood him correctly. It was proposed, that the sum advanced should be repaid by assessment upon the town, leaving altogether aside the question of the validity of the charter.

Sir *R. Peel* understood, that it would be difficult, without the intervention of Parliament, at present to raise a rate, and that the same bill would provide for the advance of this money, and for an assessment upon the property that would be subject to a borough rate, supposing there was no doubt about the legal power of the corporation to impose one. He did not understand whether this was to be a temporary arrangement, or whether it was to be the foundation of a police force which was hereafter to be subject to the local magistracy. Did the noble Lord propose to establish this police upon a footing analogous to that of the metropolitan police, namely to appoint stipendiary magistrates, salaried commissioners, like Colonel Rowan and Mr. Mayne, who superintended the metropolitan police; or did the noble Lord propose to leave the selection and control of the police to the local magistracy? [Lord *John Russell* proposed to leave it entirely to the local authorities.] If the police were to be selected by the local magistracy, and controlled by them, he very much doubted whether it would be necessary for Parliament to interfere, and whether it would not have been a better arrangement to have taken a temporary power until the question of the corporation charter was satisfactorily settled, and that Government should appoint a magistrate having, as the metropolitan magistrates had, entire control over the police. He very much doubted whether this would not be a very much more satisfactory course. However he certainly, without reference to matters of detail, was prepared to support the noble Lord, for what answer could they give to Mr. Leggett, and the other peaceable and unoffending inhabitants whose properties were destroyed, unless they took some effectual security for the maintenance of peace and order? This was not a question of oppression or tyranny; it was simply a question of providing that protection which was due to those who were ready to give their allegiance to their Sovereign, and who had, therefore, a right to demand protection. And he must say, that people might talk of arbitrary power and despotism, but no despotism was half so oppressive, so unendurable, as that of a dominant physical force, without power on the part of the law to protect the lives and property of the peaceable citizens; and he would venture to say, that no tyranny of a single despot was half so bad as that home, domestic, daily searching force of that kind of tyranny. He thought, that the hon. Member for Kilkenny was quite wrong in attributing the disturbance that had taken place in Birmingham to the London police. Under the circumstances of the case it might have been necessary to employ that force; it might have been the least of a choice of evils; and although he did not attribute the outbreak to the employment of that force, he thought it was most unwise so to employ it. He would not say, that there was any other alternative that could have been resorted to, but he thought it furnished a strong argument in favour of a local police. He had no hesitation in saying, that the sudden arrival of fifty or sixty men—persons totally unknown, and called into action immediately on their arrival—had a tendency to produce a feeling which was not excited when disorder was redressed by the military, or by a local police, whose special duty it was to maintain the peace, whom the inhabitants would recognise and know as persons who were performing the duties to which they were appointed, and from whom therefore they would tolerate what they would not tolerate from a foreign force. Although he did not blame the course that had been pursued—yet, he earnestly hoped that the noble Lord would take some step that would avert the necessity of employing the metropolitan police for this purpose. He knew how very difficult it was, when an outbreak took place or a murder was committed, not to send an active and intelligent policeman 200 miles into the country. Again, when the labourers on a railway, or such like undertaking, happened to be in a state of riot and disorder, it might be found useful to send down three or four policemen. He knew how difficult it was to lay down a precise principle that should be rigorously adhered to; but he hoped the noble Lord would not encourage the practice of sending detachments of 50 or 60 men to maintain the public peace in remote districts. They knew what the consequences would be. These persons thinking that they were sent on a special service, would also think that they must distinguish themselves, and they would resort to measures of activity and severity which a local police, knowing the persons with whom they had to deal, would not resort to. They might depend upon it also that, if the metropolitan police conducted themselves here with the utmost forbearance, and relying on their strength and the known support which they would receive, were moderate and unassuming in the exercise of their proper powers, they might depend upon it that if they got into the habit of sending these persons without the controul of their superior officers (Colonel Rowan and Mr. Mayne)—if they sent them in detachments of fifty or sixty under subordinate officers—they might depend upon it that they would run great risk, of not merely involving that particular detachment in danger, but also of impairing the efficacy and character of the metropolitan police in that particular district. He hoped that that force would be reserved for those proper duties for which they were intended, and that, by the establishment of an effective local police in different parts of the country, it might not in future be necessary to resort to the alternative of the metropolitan police. He would not say that the employment of the police was the cause of the disorders of Birmingham. They all knew that those disorders were attributable to other causes. It was impossible for that town to have been kept in a state of excitement for years, listening to inflammatory harangues, that there should be political unions, and meetings and marchings, and large demonstrations of physical force—it was utterly impossible that all this should have taken place for years without exciting on the part of the population a spirit which those who encouraged it in the first instance would regret. Then stepped forward the men with other intentions and bolder designs to supplant the former leaders, who became objects of execration to those who supposed that, having first excited this spirit, and having led other parties to a certain point, had abandoned and deserted them. That was the history of all popular excitements. Those who commenced them, instead of retaining the favour of the people, became special objects of popular execration, when bolder men stepped forward, who in their turn were supplanted by others who went a step further. He must say that he deeply regretted that a measure of this nature should be brought forward at so late a period of the Session. The Government, however, were the best judges whether it was absolutely necessary for the public tranquillity, as they had access to information which others had not; but still he could not help thinking that there were such manifestations of the state of affairs as would have enabled them to have called the attention of Parliament to this subject at a period when it would have been possible to give a more deliberate consideration to it. He must complain, too, of being called upon at that period of the Session to consider a measure of such immense importance as the establishment of a rural police, without knowing what control it was to be placed under. He felt at the same time, for the sake of the people themselves, for the sake of those who lived by industry, and who would feel most the consequences of any interruptions of the public peace, that paramount considerations of this kind prevented him from refusing his assent to some measure that was necessary for securing that protection to life and property which was the main object of all civilised society, and which if they did not give it to peaceable, unoffending, and loyal subjects, they abdicated one of the first functions and duties they were called upon to perform. He deeply regretted the necessity at this period of considering this important measure, but whether it were to be of a temporary character or not, they would have a better opportunity of judging when the specific enactments were brought forward. He would only add that he thought, from the many intimations that had been given of the state of affairs, Government might have called the attention of Parliament to this subject at a much earlier period.

Mr. *Ward* trusted, that the unanimity with which this vote would be passed, would be productive of the best effects. He hoped that the present measure was only the commencement of the establishment of a permanent system of police in all large towns, under the control of the local authorities. As to the introduction of the London police at Birmingham being the cause, or the principal cause, of what had taken place there, he could only say, that the man who indulged in such a belief must close his eyes and ears to what was passing around him. It might have occurred a few days later or sooner; but from the preparations that had been made, and the organization that existed, the introduction of the police, when it became absolutely necessary for the magistrates to exercise some authority, acted only as a spark to fire the train which had existed a long time previously. He trusted that the vote would be agreed to without a division, and that they would thus convince those who were treading on the systematic violation of the law, that they were determined to afford full protection to life and property.

Lord *John Russell* said, that with regard to the suggestion thrown out by the right hon. Baronet opposite, that there should be a magistrate much in the capacity of the police commissioners of London, that was a point upon which, in the present state of the country, he did not wish to pronounce an opinion, either for or against it. With regard to stipendiary magistrates, he thought that both parties, those who were in favour of the Charter, and those who were against it, believed that such appointments would be highly desirable. For his own part, he was persuaded that a permanent stipendiary magistracy, such as now existed in Liverpool, and by Act of Parliament in Manchester, also would be of essential service to the town of Birmingham. He was also of opinion, that a local police in many large towns, which were either now incorporated, or might become so, would be very desirable, and that could be obtained, in a great degree, by the bill which, on a future occasion, he would ask for leave to bring in, and upon which, therefore, he should not say more at present. But when the right hon. Gentleman expressed his regret that a measure of this kind should be introduced at the present period of the Session, he (Lord John Russell) begged to observe, that until very lately there existed no occasion for it. It was true he had heard from time to time of threatened resistance and insubordination getting up in many parts of the country; but these manifestations had very shortly afterwards subsided; and he always thought it very questionable whether these threatened mischiefs might not eventually be got rid of, without resorting to any extraordinary measure. At length, however, he had been brought to believe, that, in the present state of affairs, and in the probability of Parliament being before long prorogued, it would not be prudent to separate without adopting some measures of the kind. There was another topic to which he wished to allude before he sat down. It seemed to be supposed that the whole of this discontent and agitation was set on foot by persons who advocated what was called the Charter, and who called for annual parliaments, universal suffrage, vote by ballot, and other measures of that character. But he begged to to say, that during the last summer and autumn, there was manifested, in various parts of the country, a species of agitation set on foot by persons, setting up pretensions to an exclusive regard for the poor, and who used very inflammatory language against the measure relating to the relief of the poor, and the laws regulating labour; and he thought that this agitation, set on foot, and carried on by Mr. Oastler and others, had led, in a very material degree, to the present circumstances. This agitation was of a nature very difficult to meet by any execution of the laws of the country; for it was not applied to any purposes for the overturning of the institutions or the laws of the country. or any particular political purpose; but pretended solely to an exclusive regard for the interests of the poorer classes, and whatever could be done for their benefit.

Mr. *Wakley* thought that the town of Birmingham, whether subject to riots and anarchy or not, should have a local police. He cordially concurred in all that had fallen from the right hon. Baronet opposite respecting the advantages of municipal institutions; but at the same time he thought it extraordinary that he should speak in favour of municipal corporations for England, and should have spoken for their abolition in Ireland. He thought the present measure of the noble Lord a very unobjectionable one; but if it had been proposed, as had been suggested by the right hon. Baronet, that the police of Birmingham should be placed under a commission in the control of Government, he should have given it his uncompromising opposition, and he was sure it would have met with universal opposition.

Sir *R. Peel* said, that as the hon. Member had challanged him upon the subject of the Irish Corporations, he begged to ask the hon Member whether he was aware that the police of Ireland was placed under the control of the Government, and that the Irish Municipal Bill, so far from placing the local police under the new corporations, expressly excluded those bodies from any control whatever over that force.

Mr. *O'Connell* said, that the alteration in the police of Dublin, assimilating it to that of London, had been adopted at the particular recommendation of the local authorities, and had worked to the satisfaction of all parties. He thought that the agitation against the London police was likely to prove very unfounded, and their conduct should be inquired into most minutely before they were condemned. When they were accused of fomenting the riots, by their interference in the Bull-ring, it should be recollected that the Bull-ring was the situation in which the principal shops of the town were situated, and that, for nights before the police made their appearance, this part of the town had been the scene of continual riot and disturbance, so that many of the shopkeepers were obliged to close their shops and abstain from business altogether. This was a state of things which he thought the Government were bound to put a stop to, and how was that to be done? If they had called in the military, popular as he acknowledged that force was in Ireland, yet bloodshed might have ensued, and he thought it much better, under the circumstances, that the Government had called in a body of men not armed with deadly weapons, as they had done.

Mr. *T. Attwood* said, that there were at present three bodies, which had the power of levying a police force in Birmingham—namely, the commissioners of the streets, the court leet, and, more recently, the new corporation; and he was surprised that if the latter found that the police revenues of the town were weak, they did not proceed at once to levy a rate of their own accord for all necessary purposes. He (Mr. T. Attwood) deprecated the proposition for a rural police throughout England. It was a proposition which must rankle deeply in the hearts of the people. Our fathers were governed by constables chosen in every parish; and we, he thought, were ready to be governed in the same way. The idea of a rural police was as odious as the New Poor-law itself; and of all the periods of history, he thought the present was the very last in which any new attempt should be made against the liberties of the people. If this matter were to be confined to Birmingham, he had not any objection to it; but if it were to be attempted to be used to strengthen the idea of a Briareus, with ten thousand arms stretching out into every village in the land, he thought the House would have cause to regret the part they were taking in it.

Mr. *Fielden* said, with regard to what had fallen from the noble Lord, respecting the agitation against the Poor-laws, that no agitation on that subject had occurred in Birmingham, where this increase of force was now called for. The fact was, the poor were taxed deeply in the necessities of life by the Corn-laws and the Malt-tax, and had not the means of paying their taxes, nor of feeding their families. This House might disregard their complaints for a time, but if they did, they would one day have bitter cause to regret it.

Resolution agreed to. The House resumed.

Bill brought in and read a first time.

RAILWAY COMMUNICATION, (IRELAND).

Mr. *French* rose to move, "that an humble address be presented to her Majesty, praying that she will be graciously pleased to direct such measures to be taken as will secure to the different provinces in Ireland the advantages of railway communication." The hon. Member said, it was difficult, almost impossible to present any question to the House to which under present circumstances the colour of party would not be given, and that now before them had to encounter much hostility, much misrepresentation. Yet if ever a Parliamentary question was free from the complexion of party in itself, it was that of railways in Ireland, for this reason, that it bore upon the interests of the whole community of the United Kingdom of all classes, and he might say, of all individuals of that community, with the most entire and perfect impartiality. The great rivers with which nature had intersected the bosom of the land did not dispense their benefits as means of transport more impartially than would these proposed results of art and capital. The case of Ireland had been in various places ignorantly by some, intentionally by others, misrepresented. From the English Parliament they asked no favour, the demanded justice both in words and deeds, in neither of which had it hitherto been rendered to them. His object would be, first, to endeavour to show that the system under which the great leading lines of communication or highways in the country had been managed had proved a decided failure; secondly, that the construction of railways by the State was more conducive to the interests of the public than by private enterprise; and, thirdly, that the security offered in this case was more than sufficient for the advance that might be required for the works. The making and repairing of highways (and railways were about to be the highways of the kingdom) had always been considered the special duty and care of the State. By our ancient laws no man was exempt from the burden of keeping them in good and sufficient repair. It was part of the "*necessitas trinoda*," mentioned by Blackstone, to which every man's estate was subject, and was conformable to the Roman law, "for the construction and repair of roads and bridges." He alluded to the Roman law, because on it the law of England relating to highways was founded. An ancient author stated, "that the Romans paved the ways throughout the world, in order to make the roads straight, and keep the multitude out of idleness." Both these objects were as necessary and as desirable to accomplish at the present day as they were at any former period. The Roman law distinguished the high roads between the principal towns from those between small towns and villages. The former, *viæ publicæ,* were made and maintained at the expense of the State; the latter, *viæ vicinales,* at the expense of the towns or villages they connected together, the magistrates of which were empowered to levy on the inhabitants the sums required for that purpose, and those who were not able to contribute in money were obliged to contribute their personal labour. That part of these laws which related to the *viæ vicinales* was alone retained by our Saxon ancestors, being more congenial to their feudal institutions, and was by them applied to public as well as private roads. At a later period the judges, who had a charge to enquire "of common highways destroyed, and who bound to repair or mend them," "declared, that the counties were bound at common law to make good the reparations of a highway." By the statute of Philip and Mary the parishes were compelled to repair the highways, and surveyors were appointed to superintend and enforce such repairs Following the example of this misapplication of Roman law this statute provided that the funds for this purpose should be raised in each parish, either by composition or personal labour. A number of statutes were passed subsequent to this, all based on the same principle, a wrong one. He contended that the occupiers of each parish were bound to keep the highways in repair, for the use of the public, and were only productive of great discontent and much litigation. At length the greater proportion of the roads in England were placed under the management of trustees, who were empowered to erect turnpikes, and take toll in aid of statute labour. This expedient had also proved unsuccessful. The trusts were encumbered with a heavy amount of debt, and the time appeared to have arrived when a change of system was indispensable. According to a paper in the appendix attached to the report on turnpike trusts in 1833 the expenditure of the trusts for a distance of 20,000 miles exceeded their annual income by 44,726*l.*, and there was a debt of 7,785,178*l.* The report just made stated the debt to be now upwards of 9,000,000*l.* More than 2,000,000*l.* of this debt was for Parliamentary expenses alone. The committee reported, that

> "They had not failed to observe from the evidence adduced the great benefits which had arisen from the consolidation of trusts round the metropolis; that all the witnesses, sixteen in number, that had been examined, concurred in recommending a system of general control for the management of the roads of the kingdom, to introduce one general economical course of management as the only means of reducing the enormous amount of debt, releasing the country from the burden of statute labour, and the high rate of toll now levied on every district."

And the committee recommended the immediate adoption of measures calculated to carry that object into effect. It appeared, then, that the principles recommended for Ireland by the Railway Commissioners must soon be adopted even in England, namely, that the great, leading lines of communication should be made and maintained by the State. The transition which the peasantry of Ireland were at present undergoing from unemployed and pauper landholders to, he trusted, that of employed and remunerated labourers, was necessarily attended with much suffering, and it was only by an extensive system of public works that suffering could be alleviated, and that they could reconcile the ultimate and lasting benefit of the country with the least possible amount of present misery to its inhabitants. The political grievances of the Irish people might be subjects of dispute; there could be no question as to their wretchedness and destitution, and much credit was, he contended, due to her Majesty's Government for their adoption of the principles laid down by the Railway Commissioners for their endeavours to grapple with a question hitherto neglected, but one of vital importance to the future interests of the empire, as to how the unemployed peasantry of Ireland was to be set to work in a manner beneficial to themselves and advantageous to the State. An unmixed plan of Government construction was, in his opinion, the most likely to realize the advantages anticipated from the introduction of railways in Ireland. No private capitalists whose object must be personal emolument, would venture to compete with the State under such fearful odds as existed against him. Government could obtain money at from 2½ to 3 per cent., whilst private individuals could not obtain it on the security of their works, if indeed they could obtain it at all, in the market under 5 per cent. A bill to enable Government to construct railways would be carried through both Houses without expense, whilst an enormous charge would be entailed on private undertakers by a Parliamentary investigation, which could not be denied where private interests were affected by works to be undertaken by commercial speculators for their private emolument. It was well known to the House that the money expended in this way on the Brighton-Railway would have completed a very considerable portion of the line, and all this when the works were finished the public would have to pay in the shape of high fares. In the case of companies too the large sums demanded by landed proprietors for the ground required for the works, which, for reasons not then necessary to specify, must be paid in the first instance, and afterwards levied on the public. These sums had exceeded the estimates in a most extraordinary way—on the London and Birmingham more than one half; on the Grand Junction the estimate was 120,000*l.*, the sum paid was 240,000*l.*; on the Great Western it was 70 per cent. over the estimate; on the Southampton the estimate was 90,000*l.*, the sum paid was 260,000*l.* In the case of Government making the railway, land could be obtained for its fair value. During the discussions on railway bills in this country, in the struggle between rival lines, hostile engineers and grasping landowners, the interests of the community were completely overlooked. Had the principles which ought to have regulated so great a change in the means of communication been attended to, vested rights of a perpetual nature would hardly have been conceded to any of those companies nor would the Legislature be driven as it now was to the dangerous expedient of *ex post facto* legislation to secure for the public those advantages which ought to have formed the original conditions on such bills were allowed to pass. It appeared to him that the adoption of the private enterprise principle had been a serious legislative error. The public had a right to expect that the Government should secure to them all the advantages of economy and of speed which this mode of conveyance was susceptible. It was notorious, from the causes he had already explained, that there had not been a mile of railway constructed in England which had not cost much more, in many instances 10,000*l.* and 20,000*l.* a mile more than, it could have been constructed for under a different system. But that was not all the: proprietors had, in many instances, the unlimited right of fixing the charges for conveyance and passengers in respect of a mode of conveyance which, of necessity, drove all others off the roads, which admitted of no rivalry, and of which they were the undisputed masters. They might now declare, and petitions presented to that House shewed they had declared, what persons should, and what persons should not, send goods by their railway, as there was no limit in charges for passengers and goods, save the endurance of the public. So it was with respect to speed, which being expensive, would be reduced to the lowest point in the scale which marked the superiority of the railway over the conveyances it had superseded. Rival railroads were not to be hoped for, and competition with all the advantages it afforded to the public was at an end for ever. In 1833 the French Chamber, following the example of the American government nine years before, directed surveys to be made at the public expence of the lines of railway most likely to prove beneficial undertakings, and after a protracted delay, the government, in 1837, brought forward a project for the execution of six lines of railway, by means of private companies, to whom the public assistance was to be given in proportion as it was supposed the State might profit by the work. This view was opposed both by those members who considered the government should itself undertake the works, and by those who were in favour of leaving them exclusively to private enterprise. The bills were lost. In 1838, a new project was submitted by ministers to the Chambers, embracing nine great trading lines, four of which the government proposed to execute at the public expense, at a cost of 14,000,000*l.* sterling; but under this plan so long a time must elapse before France could obtain the benefits of railways, government proposing to take a vote but for the twenty-fourth part of the sum required for the works. A well-founded opposition was raised in the Chamber of Deputies, which, after several interesting discussions, was referred to a select committee, which sat for two months, and produced a long report, the substance of which was, that notwithstanding the great interest the nation had in the execution of such works, government should not undertake them, except in cases where private enterprise had declined to do so, on account of the inadequacy or uncertainty of the profits; they also proposed a series of guarantees which should be required from private companies before the power of constructing railways was intrusted to them. The government contended, that public works which were likely to prove advantageous to the nation were uniformly neglected by private enterprise in France, where the cost was considerable, and that if railways were not constructed by the State, they were not likely to be constructed at all the measure was, however, lost. The result had proved the government to have been right; nothing had been done, or nothing appeared likely to be done, in that country worthy of notice. On the other hand, look to Belgium, where. by the adoption of a system such as was proposed by her Majesty's Government, in less than six years the advantages of railway communication had been given to the entire of the population at one-third of the price paid in England, and it was important that that country afforded facts for their guidance, that in place of urging on the House a thing to be adopted, they were enabled to point out an example to be followed. He would read a most important document from one whose intelligence and ability, joined to his intimate knowledge of the working of the railway system in this country, entitled his opinions to great consideration — he meant Captain Moorsom, who for eight years was the manager of the London and Birmingham railway. It was a letter addressed to Mr. Pim, a director of the Dublin and Kingstown Railroad. The hon. Member accordingly read the the letter which advocated, in strong terms, and at some length, the principle of Government taking into its own hands the construction and management of railways, which it could effect cheaper and better than any company. It was his conviction, the hon. Member continued, from what he had observed in England, and from what he knew in Ireland, and he had considered the matter with some care, that if railways there were left to private enterprise, vast works would be begun on a vast scale, funds would be exhausted, individuals would be ruined, and the works would come to a full stop. They would have incipient railways here, and nascent embankments there, to survive as monuments of the vast distance between the scantiness of their means and the magnificence of their ideas; Mr. Pim had made a calculation, that had the railways from this to Liverpool had executed under the different system, the fares for the first class carriages, which were now 2*l.* 11*s.* 6*d.*, would be amply remunerative at 1*l.*, and for the second class, now 1*l.* 17*s.*, 10*s.* Was it not the duty of Government to prevent the useless waste of the national wealth, particularly when by so doing they would add so much to the comfort and convenience of the middle classes? One class of persons, the economists, opposed the advance of money for the construction of railways in Ireland professedly on the point of security being doubtful. Before, by their expressions or by their votes they gave currency to a statement so unfounded as this, it was their duty diligently to inquire, and accurately to inform themselves, which they could do by means of official documents, if the opinion they had so long indulged in were correct or otherwise, and it might probably startle them to hear that the boasted liberality of England towards Ireland was but ideal, that in her pecuniary transactions with us she had ever demanded and always obtained a pecuniary advantage, and that her generosity has been confined to borrowing money on the credit of both countries at two-and-a-half per cent., and lending it to us at five. In one instance the money advanced has not been repaid—640,000*l.* out of the million fund. The Irish Members at the time told the House it was not likely to be repaid. It is still a matter in dispute to whom it was lent; one party contending the clergy, and the other that it was to the tithe defaulters. But even on this subject, if by the sacrifice of this sum they had, as he believed, put a stop for ever to the loss of life which followed the collision between the Protestant clergy and the people, to such scenes as Rathcormac and Newtownbarry, had you not had ample value for your money. Not one single shilling advanced on the credit of the Irish counties had been lost; on the contrary, you had covered the blunders of your executive, as was the case in the county he represented, in sending down money as a gift, and fourteen years afterwards declaring it a loan, claiming and enforcing its repayment. He would not detain them by showing how England acted towards foreign countries. According to a Parliamentary paper of 1822, No. 293, she paid to them in loans and subsidies, from 1793 to 1816, not one shilling of which had been repaid—77,751,944*l.* Nor should he say anything of their expenditure in Canada or elsewhere; but to come more home to the question, how had they used the national credit for their own purposes at an eventful crisis? They came forward in favour of their own landed proprietors. They enabled the Bank of England to lend them large sums of money at a low rate of interest, and saved their estates from being forced into the market. Since 1817, 6,250,000*l.* borrowed on the credit of the United Kingdom, had been used for your separate local purposes, for railways, for roads, for canals. On what principle of justice, he would ask, was Ireland to be refused a similar privilege? They tendered security superior to that on which your Exchequer Commissioners here sanctioned loans for England to the extent of upwards of 12,000,000*l.* sterling. They offered security equal to any in your power to give, if you pledged the entire property of England for it. They proposed to you as collateral security, a rental of millions to provide against the possibility of a deficiency on a sum which at four per cent. would amount but to 92,500*l.* annually. They asked, in return, the completion of a plan which would raise a portion of this empire from comparative poverty to wealth, which would throw open an extensive and every day extending market for your manufactures, and which would annually increase your revenue by millions. The declaration of the commissioners could not be too often impressed on you, that by raising the Irish to the level of the English an enormous increase would take place in your revenue, under one head alone they calculate, that of excise, to the extent of 6,000,000*l.* a year. It was safe, it was more than safe, it was profitable for the State to lend its credit for the construction of railways in Ireland, and for the sake of the community it was, he contended, bound to do so. The measure of her Majesty's Government was, as a recent writer remarked, one of work for the unemployed, and food for the hungry—a measure of humanity, a measure of protection, a measure of security for the peace of society—one promoting the interest of all classes. Both Houses of Parliament had recorded their solemn pledge to advance the interests of Ireland, and how could either of them, with anything like consistency, reject this the first measure proposed for that purpose? He could not sit down without assuring his noble Friend the Secretary for Ireland that the Irish people would long remember with deep gratitude his effort to improve their physical and moral condition, and to record his conviction that hereafter should he be successful in it he would derive more gratification from this work than from any other event in his official career, even should that career be as long as the friends of Ireland could wish, and as useful as his own anticipated. He would conclude by moving an humble Address to her Majesty in the words of his notice.

Viscount *Morpeth* said, he should not be tempted to offer any answer to the speech of his hon. Friend, because his hon. Friend had made an eloquent and a convincing speech in favour and on behalf of the measure which the Government had proposed, and the principles which he had asked the House to adopt at an early period of the present Session. At that time he stated a plan which he had been reluctantly compelled to abandon, as far as this Session was concerned, and if next Session it should be found that private enterprise was insufficient and incompetent to complete these works, which it was admitted would be beneficial to Ireland, it would then be the duty of the Government to consider whether they ought not to lend their assistance. He did not suppose his hon. Friend intended to press his motion; for both her Majesty and the Government had done all they could in the matter at present, and the carrying into effect the objects his hon. Friend had in view must depend on the concurrence of Parliament. Neither did he presume his hon. Friend called for any formal pledge from the Government, and therefore he could only repeat, that if private enterprise failed to complete these works, the duty would devolve on the Government to propose that which they thought would be most conducive to the interests of Ireland.

Mr. *Wyse* rejoiced that the motion had been submitted to the House by his hon. Friend, because it had elicited from the noble Lord (Morpeth) a more satisfactory explanation than he had before given. After the debate which had taken place on a former occasion, it was supposed by the Irish people that the matter would be left entirely to private enterprise; but the declaration of the noble Lord showed, that so far from giving up his views, he only wanted a fitting opportunity to carry out his beneficent intentions with respect to Ireland.

House counted out.

HOUSE OF COMMONS,

Wednesday, July 24, 1839.

MINUTES.] Bills. Read a first time:—Highways and Turnpike Roads Returns; Soap Duties Regulation.—Read a second time:—Birmingham Police; Stage Carriages; Metropolis Improvements.—Read a third time:—Fines and Penalties (Ireland); Turnpike Tolls.

Petitions presented. By Sir C. B. Vere, from Suffolk, Mr. Hawes, from Clapham, and Mr. Hume, from Limerick, for a Uniform Penny Postage.—By Mr. Hawes, from the Committee of the Wine and Spirit Dealers of the Metropolis, against the Spirit Licenses Bill.—By Mr. Clay, from the Tower Hamlets, against the Collection of Rates Bill.—By Mr. Hume, from Aberdeen, for inquiry into the Conduct of Government towards the People of Birmingham.—By Mr. Fielden, from Colne, for Universal Suffrage, Annual Parliaments, Vote by Ballot, and other Reforms required by the People.

SUPPLY — REPORT — ROYAL ACADEMY.] The report of the Committee of Supply was brought up and read.

On the vote for 84,000*l.* for public buildings being read,

Mr. *Hume* considered it a matter of great importance for her Majesty's Ministers to consider whether it were right and proper, that one half of a building intended for the use of the public should be occupied by the Royal Academy, when the president and council of that Academy had refused to give any account of their revenues and expenditure, or the proceedings of the association, although they enjoyed advantages conferred on no other public body. He understood, that that refusal on their part was in consequence of a legal opinion they had received, that the occupancy of a public building worth 3,500*l.* of yearly rent was not receiving public assistance. The Academy had 50,000*l.* in hand, while the public were greatly in want of additional accommodation for the exhibition of works of art. It was important to mention, that before the Academy obtained possession of the building, it was asked by his hon. Friend, the Member for Bridport, whether it was to be understood, that they were to hold that occcupancy as a matter of right, or to give way when they might be required to do so by the public exigencies. The answer given was, that they would have no right to occupy longer than the public convenience would allow. If the Royal Academy were to be allowed to receive such benefits from the public, they ought to give something in return. But when he saw the Royal Academy imitating the example of Mr. Stockdale in refusing obedience to the orders of the House, he did trust, that property which had cost the public 43,000*l.* would be made available for purposes of public utility. The Government had of late taken steps for throwing open the various public depositories of works of art. That did the Government great credit. It had opened the proper avenue to the improvement of the public mind, and had adopted the sure way to remove that reproach which had been cast upon the people of this country by foreigners, that they did not possess a taste for the fine arts. The truth was that the people had been rigorously excluded from admission to those places where they could enjoy an opportunity of improving themselves; but no sooner were they thrown open, on terms at all within their reach, than the whole of such places had been crowded. Look at the National Gallery—or let them go to Hampton Court where there had been 18,000 visiters, and so many as 3,000 in one day admitted free. He had no doubt if the public exhibitions and other receptacles of art in this country were thrown open to the people, that they would readily avail themselves of the advantages.

Lord *J. Russell* said, the hon. Baronet, the Member for the University of Oxford, being absent, who had undertaken to state the case for the Royal Academy, on which they expected to show the reasons why the order of the House of the 14th March should be rescinded, he did not feel himself in a situation to give any opinion upon the subject. There was one part of the speech of the hon. Member, however, which he thought himself bound to notice. The hon. Member had said, that the Academy had refused to give information to the House. Now, there were two ways of doing that. The first way was to refuse to give the information asked for; the other was to put it respectfully to the House, by petition, whether it were expedient, that the House should persist in ordering them to make the returns. Now the Royal Academy had adopted the latter course, and had presented a petition to the House, stating they had already furnished a great deal of information, in returns to the Secretary of State for the Home Department, and in the copious evidence given by the president and officers of the Academy before the Parliamentary committee on the fine arts, by which means all their rules and regulations had been laid open to public inspection. They respectfully express their hope and trust, that the House would be pleased to rescind the order of the 14th of March. Therefore the Royal Academy had given reasons, be they good or be they bad, why they expected the House would rescind that order. He thought that was a very different course from refusing to give information, as stated by the hon. Member for Kilkenny, and he thought it was not fair to discuss the question further until they had heard the hon. Baronet, the Member for the University of Oxford.

Mr. *Estcourt* complained, that the hon. Member for Kilkenny had taken an opportunity, in the absense of his hon. Colleague, to go into the whole of this case. It was well known, that the Royal Academy had been provided with apartments in Somerset-house by George the 3rd, that they had been removed from apartments to which they had a long established right to suit the public convenience, and placed in inferior apartments. He apprehended when his hon. Colleague had an opportunity of meeting the hon. Gentleman face to face, he would satisfy the House, that the production of the accounts would be attended with great disadvantage to the interests of the fine arts in this country.

Mr. *Hume* would reserve all further observations till the discussion on his motion for enforcing the order for the production of the returns. But he might observe, in the mean time, that his object had been completely misunderstood. What he asked was, that her Majesty's Ministers would adopt measures to turn the Royal Academy out of the building as interlopers.

The *Chancellor of the Exchequer* said the hon. Member for Kilkenny, though he said it was not his wish, on the present occasion, that the House should decide upon the question, evidently wished them to conclude that the Academy was in the wrong, and that therefore they should be turned out. He would therefore give a short explanation of the right of occupancy of the Royal Academy. The Royal Academy had been, for a considerable time, in possession of apartments in Somerset-house, which they occupied merely by consent of the Crown, without any legal right of property, and subject to the risk of being removed at a minute's warning—although he was far from saying that the exercise of that right would have been either just or proper. When the transference took place, it was distinctly stated in the official communications which passed upon the subject, that they held the new apartments on the same footing and title, and no better condition than they had to those in Somerset-house; and that, indeed, was admitted in their petition. They stated, in fact, that their long occupation in Somerset-house gave them a moral, if not a legal right, to those they had received in exchange. If, however, they were to admit that doctrine—of a moral right converted into a legal right—it would be attended with most extensive and, indeed, dangerous results to the interests of the public in those buildings. Several other bodies had apartments in Somerset-house—the Royal Society, and various others. He was very sorry to hear it stated in that House, that it could be considered in any respect doubtful whether the public had a full right to resume possession of its own property whenever the public service required it. As to the time of exercising the right, it was a matter for consideration; but as to the absolute right, he claimed it on the part of the public, and should not hesitate to use it on any fitting occasion. The hon. Member for Kilkenny seemed to think it necessary to use the right, irrespective of any conflict between the House and the Academy, because there was, according to his hon. Friend's statement, no room in the National Gallery for the public pictures. That was not so. As a trustee of the National Gallery, he could state, that there was not only room for the pictures, but for any more which the public might choose to have, or which private individuals might do them the favour of bestowing on them. Therefore this was no argument for dispossessing the Royal Academy.

Vote agreed to.

LANDING OF SLAVES IN BRAZIL.] On the question for agreeing to a vote for Slave Trade Commission.

Lord *Granville Somerset* begged to put a question to the Under Secretary for the Colonies. It was stated in the public papers, that when the captured slaves were liberated from the slave-vessels which had been captured, they were apprenticed, under certain regulations in Brazil, as a means of disposing of them. If this were the case, it was only transferring them to another kind of slavery, and the benevolence of this country, in paying large sums for their capture and liberation, was rendered absolutely nugatory.

Mr. *Labouchere* said, that the statements made to the Government with respect to this subject, showed that the utmost vigilance was required to prevent the evil referred to. He could only say, there were now communications going on between the Foreign-office and the Colonial Department on this subject, and no exertion on the part of her Majesty's Government should be wanting to put down so monstrous an abuse.

Lord *G. Somerset:* Am I to understand that such has been the fact—that slaves so captured, have been apprenticed in the Brazils?

Mr. *Labouchere:* Yes. Representations to that effect have been made to the Colonial-office, and there is a strong probability that, in some instances, it has been the case.

Vote agreed to, and Report agreed to.

SLAVERY—THE MAURITIUS—HILL COOLIES.] Dr. *Lushington* wished to ask his hon. Friend, the Under Secretary for the Colonies, whether he had received any despatches from the Mauritius, containing an authentic account of the slaves in that colony being actually emancipated, and whether such emancipation had taken place tranquilly; and further, whether the Orders in Council had been carried into effect in the island, beneficially or not?

Mr. *Labouchere* stated, that in the last despatches from the governor of the Mauritius, which were dated the 2nd of April, he said that, on the 31st of March, a few days before, a final and complete emancipation of the apprenticed labourers had taken place in that colony. As only two days had elapsed, the governor had been able to afford very little information as to the effect of the measure; but as far as his information reached, it had been, upon the whole, satisfactory. The population was perfectly peaceable, although there was a disposition, on the part of the negroes, to leave some estates on which they were located. Very little reliance, however, could be placed upon any information that had been received on this subject. As to the other question which the hon. and learned Gentleman had asked, he must say, that the Orders in Council to which he referred, relating to marriages, vagrancy, the unauthorised occupation of land, and contracts for labour, had been promulgated on the 15th of March, and he trusted that he might confidently anticipate, that the same good effects which had been produced in the West-India colonies, where the orders had become the law of the land, would be produced also in the Mauritius.

Colonel *Brownrigg* said, that he had received information a fortnight later than that of the right hon. Gentleman, and it stated that the change had taken place in the most peaceable manner. Some of the estates, which were deficient in wood and water, had undoubtedly lost some of the negroes, as soon as the option of going or remaining was given to them. He particularly attributed the peaceable and cheerful manner in which the negroes worked, to the fact that engagements had been entered into to work for short periods. When there was a combination entered into make engagements for long periods, they could not immediately be made to understand that this was not slavery in another shape. When, however, the negroes were allowed to work from month to month, they were willing to enter into engagements that were exceedingly reasonable, and this had led to a diminution of expense to the proprietors.

Sir *J. Graham* wished to ask, whether the statement he had seen in the newspapers of the melancholy mortality of the Coolies who had been imported into Demerara was true or not? If true, he asked whether any step had been taken upon the subject of the release of those unhappy persons from the contracts into which they had entered? He also wished to ask, whether certain information had been received from the Mauritius with regard to those unhappy persons, of whom there was a large number in that island.

Mr. *Labouchere* said, that with respect to the condition of the Coolies in the Mauritius, he was happy to say, that the accounts, as far as they had been received, were upon the whole extremely favourable. As to the situation of those persons in Demerara, no positive information had been received at the Colonial-office. At the same time he was bound to say, with regard to the estate of Belle-vue, the one referred to in the newspapers, the accounts previously received at the Colonial-office were to the effect, that on that particular estate, owing to improper conduct on the part of the medical attendant, extensive sickness had taken place, which led to considerable mortality. He felt bound to state, in justice to the proprietor of that estate and the overseer, that the medical man was dismissed when this was discovered. He would only say, that while on the one hand the general condition of this people was not one of disease and mortality, at the same time there was abundant proof in the information that had reached the Colonial Office to show, that too great vigilance could not be exercised over the employment of those strangers by a Government which was anxious to prevent cruelty and hardship of the worst description. He felt bound to say, that the governor, Mr. Light had exercised every vigilance in his power, and had shown himself most anxious to protect the particular class of persons to whom the question referred.

Mr. *Wakley:* the right hon. Gentleman has not stated, whether any step had been taken to prevent the further importation of those persons.

Mr. *Labouchere:* last year an Order in Council was issued, by which the further importation of these persons was prevented. He believed, that since it had been issued, not a single Coolie had been imported.

Sir *J. Graham* said, if it should be found necessary to release these unhappy persons from their contracts, even at some charge to the public, he hoped the delay of the recess would not be allowed to intervene. If the papers to be produced by the right hon. Gentleman sustained the case that these unhappy persons ought to be released and sent back, he thought that Government might appeal with confidence to that House, and the means would be readily afforded of doing what was due to humanity, to the honour of this country, and to those unfortunate people themselves.

Conversation dropped.

SOLDIERS PENSIONS.] Sir *H Parnell* moved the further consideration of the report of the Soldiers' Pensions Bill.

Mr. *Wakley* thought it useless to oppose the bill further, otherwise he would do so. He thought that if these pensions were paid weekly, instead of quarterly, that a great many of the evils that now existed would be avoided.

The *Chancellor of the Exchequer* said, that the only object of the bill was to guard against frauds being committed on the pensioners, by enabling them, if necessary, to assign their pensions to a public and responsible officer, instead of assigning them as at present to shopkeepers and others who exacted a usurious interest. It was in fact a bill to restrict and not to promote the assignment of pensions.

The Amendments read a second time and report agreed to.

On the question that the bill be read a third time,

Mr. *Wakley* complained that by the second clause of this bill, the Poor-law guardians would have the right to demand the whole quarter's pension, if the soldier or any of his family had received parochial relief during any part of that time. He thought this a most unjust proposition, and it had sprung up, no doubt, at the suggestion of the Sommerset House Commissioners, to prevent a soldier's assigning his pension. He maintained that a soldier obtained his pension as a right, and not as a gift, and he thought therefore he should have the unrestricted enjoyment of it.

The *Chancellor of the Exchequer* said, that these pensions were always granted without the power of assignment, and the principal object of the present measure was to prevent fraudulent assignments.

Bill to be read a third time the next day.

DUKE OF MARLBOROUGH'S PENSION.] House in Committee on the Postage Duties Bill, the clauses of which were agreed to. On the question that the Chairman leave the chair,

Mr. *V.Harcourt* wished to ask a question of the Chancellor of the Exchequer. It would be in the recollection of the House that he had presented a petition from the Duke of Marlborough, complaining of certain deductions that were made from his pension on account of the land-tax, and of the shilling and the sixpenny duties (as they were termed) on pensions. That petition was referred to a select committee, to ascertain and state the facts of the case; but they were not authorised to report any opinion thereon. He thought however, that he was justified in stating that the committee were unanimously of opinion that at least a portion of the complaint was well founded, and that the parliamentary grant ought never to have become liable to the shilling and the sixpenny duties. He begged to know what were the feelings of the Chancellor of the Exchequer on the subject.

Mr. *Aglionby*, having been on the committee, wished to state what was the opinion he entertained respecting the Duke of Marlborough's claim. The question was divisible into two parts—first, whether the Duke was properly charged with a deduction in respect to the land-tax; and, secondly, whether he was properly charged with a deduction in respect to the shilling and the sixpenny duties; the first imposed in the year 1757, and the other at a subsequent period? With reference to the first point, it was the opinion of the majority of the committee that the pension of the noble Duke was liable to the land-tax, and that no remission ought to be made on account of the deduction in respect to that charge. At the same time a sense of justice to the Duke of Marlborough obliged him to say that in a legal point of view the Duke ought not to have been charged with any deduction in respect to the shilling and the sixpenny duties.

The *Chancellor of the Exchequer* had on a former occasion stated, that the Duke of Marlborough was entitled to a remission of the deductions that had been made, as well in respect of the land-tax as of the shilling and sixpenny duties; and had voted in consonance with that opinion. But the decision of the House was adverse to his view. A committee was afterwards appointed to report the facts to the House; that report was now before them, and although it would be most agreeable to his own feelings to propose a measure making a remission on both points in favour of the Duke of Marlborough, yet, without abandoning his own opinion as to the abstract justice of the case, he thought that after the statement just made by his hon. Friend, and which statement he assumed met with the consent of the majority of the Committee, he should be better consulting his public duty, and also the interest of the Duke of Marlborough himself, by limiting the measure he intended to propose to the shilling and the sixpenny duties, upon the remission of which all parties appeared to be agreed.

House resumed.

IMPROVEMENT OF THE METROPOLIS.] The *Chancellor of the Exchequer* moved the second reading of the Metropolis Improvement Bill, intended to afford additional communications between different parts of the town. One plan was for opening a convenient thoroughfare from the end of Coventry-street to the junction of Newport-street and Long-acre, combined with that which had been suggested for the continuation of the line from Waterloo-bridge already completed to Bow-street, from thence northwards into Holborn, making an additional thoroughfare to the City, besides the crowded parts of Holborn and the Strand. The second plan was for extending Oxford-street, in a direct line through St. Giles's, so as to communicate with Holborn; and the third plan was for opening a spacious thoroughfare between the populous neighbourhood of Whitechapel and Spitalfields and the docks and wharfs of the river Thames, by widening the northern and southern extremities of Leman-street, and by creating a new street from the northern side of Whitechapel to the front of Spitalfields Church. These plans had been recommended by the committee which had sat on metropolis improvements, and they anticipated, that sufficient funds would be found by existing means. It was proposed, that these plans should be executed by the Commissioners of Woods and Forests out of the funds remaining unappropriated after defraying the charge of the alterations connected with the Royal Exchange. If this bill should be read a second time he would propose, that it should be referred for the consideration of the same committee as had sat on metropolis improvements.

Mr. *Wakley* said, that, as a Member of the committee who had sat on this subject, he felt bound to state, that the propositions of this bill were cordially supported by the whole committee. The House ough to understand, that it was not intended to levy any new duty on coals, or to increase the present duty, or continue it beyond the time first specified for the purpose of carrying these improvements into effect. It was expected, and he believed the calculations before the committee justified it, that there would be found from the present duty a surplus sufficient to meet all the expenses of those improvements.

Dr. *Lushington* said, that his constituents were deeply interested in this bill. At a large meeting which was held a few months ago, all parties agreed to the continuance of the present tax, provided the intended improvements could be carried into effect. With respect to the third improvement referred to by the Chancellor of the Exchequer, he must say, he thought it of the last moment to the happiness, comfort, health, and morality of that district; for although the district which he represented was inhabited by some persons possessing very large property, yet it was the place where the criminals of the metropolis were accustomed to assemble. The expense of these improvements would be more than repaid by the moral advantage the public would derive from them.

Bill read a second time and referred to a select committee.

County and District Constabulary.] Lord *J. Russell* rose to move for leave to bring in a bill for the establishment of county and district constables by authority of justices of the peace for England and Wales. He proposed, by this bill, to give authority to justices of the peace in certain cases for the establishment of an efficient constabulary. Every one was aware, that in many populous districts, there was a very great want of such a body. A noble Friend of his had taken great pains some time ago with respect to a bill for a commission for swearing in special constables; and afterwards he had introduced a bill which allowed justices, in certain cases, to appoint special constables. In both those bills, it was necessary for the appointment of such constables, that there should be an apprehension of riot, or a breach of the peace or peril. Both these bills would have been useful in many cases that had come under his own knowledge, but they did not apply to the ordinary state of police in certain districts. It certainly was in the power of justices to add to the number of special constables on any sudden necessity; but whenever that extended beyond a certain point they found themselves very much at a loss, Many evils had arisen from that: and it was very frequently the case, that when apprehensions arose with respect to any meeting about to be held, the magistrates sent directly for military assistance. The officers commanding in the districts to which such applications were made felt them to be very embarrassing. They had stated, and more especially Sir Richard Jackson, an officer of very distinguished merit, and a competent judge on all subjects connected with both the military state of the army, and the civil condition of the district in which he commanded, had stated to him that applications of that kind tended to break and destroy the discipline of the troops. It was very necessary to preserve that discipline, especially where there was a considerable number of troops, and for that purpose they must be kept together, and not divided into small detachments. There was great inconvenience also in their being disposed of in billets of one or two together over large towns. That had been felt by the late commander of the northern district, and also by the present commander, to be a very serious inconvenience. On occasions not of a very extraordinary nature there was, however, no force to rely on, and the consequence was, that in populous towns of 10,000, 15,000, or 20,000 inhabitants, it often happened that the magistrates said, that although there was no immediate apprehension of danger, yet they swore in some three or four hundred special constables. With respect to the ordinary administration of criminal justice, there existed a very great defect in this respect. The commissioners appointed by the Government three years ago in order to investigate the subject had shown in their report how very often it happened that thieves and depredators of every description enjoyed perfect impunity, owing to the inefficient state of the police. This occurred frequently in populous districts, and more particularly since the establishment of an efficient police in the metropolis and in many corporate towns in the kingdom. It was stated in the report, that in the town of Hull, there was a sort of society of housebreakers and thieves, who practised their depredations, not in that town, but in surrounding villages, about five or six miles off, and returned with their booty to Hull. Such testimony as this showed the advantage of appointing an efficient constabulary force in the country districts. There was another evil which had been much complained of in that House, and in the country, arising out of the establishing of beer-houses, in consequence of the Sale of Beer Bill. He believed, that the complaint on the subject of the beer-houses was well-founded; and the fact that great disorder took place in the beer-houses was owing not so much to the mere permission given by the Act for the sale of beer (an advantage to the consumers, which he thought ought not, if possible, to be prevented), but to the total neglect of the police rules and regulations, which, though enacted by this bill, were not carried into effect. It was a constant complaint, that the constable was known to the frequenters of the beer-houses, and the persons connected with them, that he rather avoided being cognizant of the disorders which occurred at them, and that he had very little motive for bringing himself into trouble by the performance of a very difficult duty. The result was, that the beer-houses were noted for disorder, and the remedy sought, which in itself was objectionable, was to deprive the people of the advantages of the Act of 1830. There were general reasons, affecting the state of the country as respected its police, that induced the Government to take the subject into consideration some time ago, and to give great attention to the report made by the commissioners relative to the constabulary. But when the report was taken into consideration, the remedy proposed by the commissioners, though it might be the best that could be devised with a view to the establishment of a general system of police over the whole country, appeared to the Government to be too large and extensive to be applied at once to the country, and likewise to go beyond the necessity of the present case. He would state the grounds which, in regard to the present case, made it incumbent on the Government not to lose any time in introducing some bill on the subject. The meetings which had lately taken place, and the riots and alarm consequent upon them, had increased the demands for the military force, and had rendered it necessary, however undesirable it might be, to send detachments from the head-quarters of regiments, as well as to call out the yeomanry in aid of the civil power. It was very obvious that on many occasions, this necessity would be prevented if there existed a civil force of constabulary which could be relied on by the magistrates. The military, though they were able to put down disorder, were useless in capturing and arresting the persons who had caused it. These were the reasons which made him think it desirable to introduce a bill on the subject, not as a general measure, because if he brought in a general measure, he thought he should be proposing the establishment of a paid and regular police in many districts where at present it was not wanted. There might be many places where it would be desirable to have more than the usual number of constables, but this necessity did not exist with respect to some of them at the present moment, but there was a necessity that magistrates in certain districts should be enabled to appoint a constabulary regularly organized, and permanently maintained by them. In the corporate towns, this power was exercised. There a police force might be regularly paid, organized, and, if necessary, supplied with arms. In Newcastle, where a few nights ago a riot, beginning in a street brawl, and ending in a serious tumult, occurred, there existed a police force regularly organized, which, on that occasion, was armed in order to put down the disturbance, and which proved sufficient to restore tranquillity without the aid of the active operations of the military force. But many districts in the counties had in the present time come to be thickly peopled with a manufacturing or mining population, which partook of the character or nature of a town population, while, at the same time, it was impossible to confer upon them municipal institutions. Nevertheless they required the institution of a police force, and in one district this want was so much felt in consequence of the great increase in the number of crimes and depredations, and in the lawless habits of the disorderly part of the community, that after two or three years' complaints, two bills had been brought into Parliament, during the present Session, with the view of meeting the evil. One of these bills afforded means for the establishment of an efficient police in the district to which he alluded, in the Potteries, and the other for the appointment of a stipendary magistrate. A remedy, however, which was to be obtained only by applying to Parliament in each particular case was a very expensive one, and required great combination on the part of the magistrates and proprietors of the district. It indeed might frequently happen, that the application of the remedy would be prevented either by the dissent of some particular individual, or by the apprehension of expense. What he proposed, therefore, with respect to counties, was, that the magistrates at quarter-sessions, if they should think necessary to establish a regular constabulary force, not merely for a temporary occasion, but for a permanence, should have the power, with the consent of the Secretary of State, of establishing such force. In the same way—and this he thought was likely to be the more general case—if a magistrate, acting for any particular district, should apply to the magistrates at quarter sessions, and they should agree to his application, in that case they should have the power of establishing a police in that particular district. In either case the consent of the Secretary of State would be needed, and regulations as to the qualifications of constables would be required. Qualifications of this kind were required by the bill, now the law of the land, establishing a constabulary force in the county of Chester. In the present bill he did not propose, that any appointments, either of the persons who were to have the command of the force, or to exercise power in it, should be vested in the Crown. He thought, that the magistrates themselves would probably take care, that such regulations should be made as would enable them to appoint efficient persons. There were now so many examples of an efficient police, both in the metropolis and in other places, established through the recommendation and advice of the metropolitan commissioners, that it evidently would not be difficult for the magistrates to constitute a good police force. He thought, that the bill he proposed to bring in would lay the foundation of an improved system in the country. At periods remote from the present time, it might have been quite sufficient to have a constable unpaid, and appointed without qualification, but the circumstances of the present day, when the population had greatly increased, and where there were great amounts of property exposed to depredation, made it necessary that the constabulary force should be more efficient. He thought, too, it would tend permanently to the security of the country, if the peace could be preserved in counties without calling out the military or yeomanry, but merely by the establishment of a sufficient civil force. It was with this view that he moved for leave to bring in a bill for the establishment of county and district constables, by authority of justices of the peace for England and Wales. As he had before stated, the title of the bill might seem to imply a too general establishment of a constabulary force, but it would only give authority to magistrates to establish such a force in cases where it might be required.

Mr. *D'Israeli* thought, that they must all be agreed, without discussing the merits of the noble Lord's proposition, that it would effect a considerable civil revolution in the country. Unquestionably a law of this nature ought not to be passed until after grave and mature deliberation. The proposed bill could not be introduced in consequence of any gradual and general change in the situation of the country, otherwise it would not have been delayed until the eleventh hour of the Session. It must therefore have been brought in on account of certain circumstances which had recently occurred. The noble Lord only two nights ago came down to the House and announced, that civil war had commenced. The noble Lord came down to declare war against Birmingham and to levy 5,000 troops against his former allies. This probably was a more correct description of the noble Lord's proceeding. When he found, then, the Minister of the Crown announcing at the last hour of the Session, that he must raise 5,000 troops, that he must revolutionize the rural police of the country, and that he was obliged to call for an unconstitutional grant for a municipal corporation, in order to assist that body in establishing an imperfect police force, he had a right to say, that the noble Lord had declared, that civil war had commenced in the country. He had a right, in the present instance, when the country was involved in war, to inquire what was the cause of that war, what means were competent to put an end to it, and whether the Ministers were entitled to be intrusted with the disposal of those means? That was the real question before the House, and he thought the noble Lord had no right to come down at the eleventh hour of the Session to make these important announcements, and to call for extraordinary confidence and extraordinary means, without entering into a general exposition of the state of the country. He wished to know what danger existed. It might be, that the 5,000 additional troops were either insuffiicient or more than necessary; for the noble Lord did not pretend, that his present crude and immature proposition was introduced on account of any general and gradual change in the circumstances of the country. It might be necessary to levy a force against our fellow-countrymen; it might be necessary to accede to the extraordinary demands of the Government, but the Members of that House had a right to expect a detailed account of the state of the country. Under these circumstances he should oppose the introduction of the measure, and of every other measure which formed part of the batch.

The *Chancellor of the Exchequer* should be sorry to think that the hon. Gentleman spoke the opinions of the party opposite, and he trusted that a measure introduced for the protection of life and property would not be warred against solely from party motives. A more extraordinary perversion of the use of speech he had never witnessed than that just exhibited by the hon. Gentleman, who had completely forgotten that the proposition now under discussion had not been brought forward without previous consideration, notice, and inquiry. The subject had been investigated with the knowledge, and he was bound to suppose with the approbation, of Parliament. The hon. Member had attempted to affix to this measure, which was intended for the public benefit, a party character. The present measure was not one of war, but of protection to the mass of the people; and it gave power to a class of magistrates whom the hon. Gentlemen opposite were not disposed to undervalue. It was with them that the bill had originated, which, in its future stages, he hoped would receive calm consideration, and be discussed on its real merits, with a view to the public advantage, and not for the purpose of exciting alarm. If this measure were to be made a matter of party conflict, the House might depend upon it that difficulties, which might be insuperable, would be thrown in the way of passing any similar and most necessary measure.

Captain *Gordon* was anxious to ask the noble Lord whether he had any intention of proposing that the Act should extend to Scotland? If the measure were a good one, and he was free to presume that it was, it was desirable it should be applied to that country. In many great towns of Scotland the magistrates were unable to bring a sufficient civil force against the disturbers of the public peace, and he was therefore anxious to know, whether the powers conferred by this bill were to be given to the magistrates in Scotland. If he was not mistaken, the learned Lord who was lately Lord Advocate had determined to introduce a measure upon the subject, and it was well known, that many counties in Scotland were ready to devote what was called the rogue money, for the purpose of establishing a rural police.

Mr. *Wakley* observed, that the hon. Member who spoke last wished the Act to be extended to Scotland. He wished Scotland had it altogether, and much joy of it into the bargain. He did not think the hon. Member for Maidstone had exposed himself to the lecture which he had received from the right hon. Gentleman the Chancellor of the Exchequer. If such a proposition had been made fifteen or twenty years ago by the Tories, the noble Lord would have been the first to rise in his place and protest against the unconstitutional nature of the proposal. This was one of the evils which he saw daily arising from Gentlemen holding office who were Reformers only in name. The proposition of the noble Lord would be favourably received in only two places in this kingdom, the two Houses of Parliament. The noble Lord's proposition was one for adding to the police, or, in other words, to the standing army of this kingdom, 100,000 men, if the magistrates liked it. The people had nothing to do with the matter, except to pay the expense. It was intended by this proposal to stifle the voice of the people. The Government should redress their grievances, and then there would be no necessity for a proposition of this nature.

Colonel *Sibthorp* declared, that the people were incensed against the Government because they had broken the promises which they had made. He wished the Government could alone be the sufferers, and then they would get a pretty considerable thrashing.

Mr. *F. Maule* said, the reason why his noble Friend had not introduced a clause, applying the enactments of the bill to Scotland, was, that with regard to England the whole subject had been inquired into, and a circular letter had been addressed to the chairman of every Quarter Sessions. No such steps, however, had been taken in regard to Scotland, and the opinions of the country gentlemen in that part of the kingdom were consequently not known. He agreed, however, with the hon. and gallant Member, in thinking, that it was most desirable that the bill should be extended to Scotland, and he should, therefore, hope that his noble Friend would hereafter apply its provisions to that country. The hon. Member for Maidstone, who seemed by his vote of the other night to be the advocate of riot and confusion—

An hon. *Member* rose to order. It was irregular for one hon. Member so to allude to the vote of another.

The *Speaker:* It is certainly out of order for a Member to charge another with having voted in an improper manner.

Mr. *F. Maule* did not attribute motives, but he thought he had a right to draw a conclusion. He might be sailing too near the wind, but he would say, that after a vote which had been given in that House, when the town of Birmingham was in such a state that the Government was actually compelled to come down to the House, and ask for a vote of money to enable the magistrates to preserve the peace, he could draw no other inference from that vote but that it was brought about by a love of riot.

Mr. *Pakington* should regret exceedingly if the discussion of this question should be tinctured with anything like party feeling, for it was by no means a party measure. He fully concurred in the favourable mention which had been made by the noble Lord of the report of the committee relative to this subject, in the preparation of which the right hon. Gentleman in the chair bore so large a share. He considered that report a most valuable document, full of the most important matter, and arranged with the greatest care and skill, and he felt deeply indebted, and he was sure the country would feel deeply grateful to the right hon. Gentleman in the chair, and to those who acted with him in the committee, for the pains and attention which had been bestowed on the preparation of the report. He was sure that the police, as at present constituted, was not sufficient for the repression of disorder. In Birmingham and other great towns the chief officers of the police stated, that it was utterly impossible for the police to prevent the innumerable evils resulting from the system of beer-shops, and he, therefore, entirely concurred in the general principle of establishing the new police force. He was, however, anxious to know from the noble Lord whether the measure he proposed to introduce was intended to be permanent or temporary. If permanent, then he would say that at so advanced a period of the Session, and when a great number of those Members were absent who were most interested in a measure of this description, it would be most unfair to press it forward. If, however, it was only a temporary measure, intended to meet an emergency, he should certainly offer it no opposition. He did not know that such a measure was necessary in the rural districts, for he had heard of no disposition to riot in those districts. He thought it would be better, therefore, to allow the recess to pass over, and before another Session to prepare a well digested measure of a general nature, founded upon the report of the committee to which he had alluded. Such a measure would, he was sure, be acceptable to the country generally, and he was persuaded it would receive the support of that House.

Sir *J. Graham* had not intended to say a word on this subject till the bill was before the House, and till he had had an opportunity of examining its provisions; but after what had taken place he could not remain altogether silent. He was not disposed to offer any obstruction to the free expression of opinion, particularly on a subject so novel in its character as the one under consideration, but the freedom which he willingly allowed to others he had a right to claim for himself, and he could not remain silent after having heard the terms by which this bill had been characterized. It had been said that this measure was a declaration of war against the people on the part of the Government. He was not of that opinion. He considered this measure purely defensive. It was intended to meet an emergency which had unhappily arisen; but he should not enter into the causes which had produced the difficulties which rendered such a bill necessary. Perhaps, the Government was not entirely without blame; perhaps the conduct of the Government had had some influence in producing the state of things which rendered a bill of this description absolutely necessary; but he should not then enter on the consideration of that conduct. As he understood the noble Lord, the measure was rendered necessary by existing evils, and to curb and restrain that insurrectionary spirit which had unfortunately arisen, and which was making alarming inroads upon the peace and tranquillity of the country and tending utterly to destroy the security of property. He was of opinion that the introduction of this measure was imperatively called for, in order to secure the peace and tranquillity of the kingdom, and to put an end to those evils which had unhappily sprung up in some districts of the country. The establishment of a police force was not made compulsory by the bill. If it had been made compulsory, and if it had been proposed that the appointment of the constabulary force should be vested in the Government, he should have objected to the measure. If the bill had been founded on the principle on which the Metropolitan Police Bill was framed, he should also have objected to such a proposition. But, if he understood the noble Lord rightly, the measure was merely permissive, and no authority and no power vested in the Government could compel the establishment of a police force; and as regarded the appointment and control of the force, both were to be confided to those who were most deeply interested in the preservation of the tranquillity of the country, and in giving security to property. Such were his opinions on this subject, and whatever unpopularity might attend the expression of them, he felt he should not have acted fairly if he had remained silent.

Mr. *Ward* considered a measure of this description necessary, in order to enable the civil authorities to meet the difficulties which might arise without calling for the support of a military force. He should cordially support the bill.

Mr. *Plumptre* could see nothing tyrannical or unconstitutional in a measure which merely provided for the establishment of a police force, he hoped no measure would be introduced which would not leave the appointment of the constables in the hands of the magistrates.

Mr. *Wallace* was of opinion that a new system of police was necessary, but he doubted whether, if the appointment and control of the constables were to be placed in the hands of the magistrates, the measure would give satisfaction to the country. He was quite satisfied that there ought to be a rural police, and the measure for its establishment ought not to be a partial one, but extended to Scotland.

Mr. *Langdale* was as ready as any hon. Gentleman to afford extraordinary powers to the Government, if necessary; and if this bill was to be of a temporary nature only, he should not oppose it, but he felt that this system of police extension might be carried to extremes. They would, in fact, run the risk in highly populated and agricultural districts of establishing a sort of spy system, a kind of force which would make, if it could not find, business to keep up the necessity for keeping them in pay. He saw, with a great deal of apprehension, the extension of a system of rural police, and he must express a strong opinion against it.

Sir *T. Fremantle* would oppose the motion if he thought the measure contemplated by the noble Lord was to introduce a rural police into every agricultural district. But he was not opposed to an opportunity being given to districts which required a police force to form one. He knew that in many localities the more wealthy inhabitants were compelled to pay for the support of private policemen, otherwise property would remain unprotected.

Mr. *Fielden* did not think the establishment of a rural police would tend to decrease crime. As to violent outbreaks of the populace, which originated in distress unless the cause of dissatisfaction were removed, it would be useless to send a rural police amongst them. If the crime of sheep-stealing, for instance, was pleaded as an excuse for this measure, that was not a crime common to the working classes. What was to be the mode of appointment? Many of the rate-payers of towns were as respectable as the magistrates, and it would be nothing but fair that they should have a voice in the appointment, and also in the question as to the establishment of any police at all under the bill. He looked upon the plan of the noble Lord with the greatest apprehension. Instead of disarming the disaffected, it would lead to greater dissatisfaction and a more determined show of resistance, because the police would be regarded as nothing better than spies.

Mr. *Brotherton* said, there was no duty of the Government more important than that of taking measures for preservation of life and property, and no portion of the community was more interested in the maintenance of the public peace than the working classes. He had on all occasions supported those who wished to redress the grievances of the people. At the same time he was ready to give all proper powers to the Government. He thought, however, that the consent of the ratepayers in vestry assembled, probably of the Poor-law guardians of the different unions, might be obtained. Those bodies being chosen by the public generally should be consulted on the question of establishing a police force in any district.

Mr. *A. Yates* referred to the report of the commissioners to show that there were various parts of the country in which the residents were not accustomed to venture any distance with property about them for fear of being robbed.

Lord *J. Russell*, was very happy to find that his proposal had been very fairly discussed, and in a spirit quite different from that in which the hon. Member for Maidstone had spoken at the commencement of the debate. With regard to the observations of the hon. Members for Oldham and Finsbury, he could not see any connexion between sheep stealing and the liberty of the subject. He thought industrious persons would be the greatest gainers by the measure, as it would tend to the protection of their property. With respect to the temporary nature of the bill, he must say, that although it might require some amendment in future it was not to be limited in duration, because that would defeat the object it was proposed to effect. At the same time it might be a question as to what was the best form of police for a country like this. He believed that one uniform system would be the best that could be established; but, at present, it was not easy to combine all the district forces under one head. He was of opinion that while there were different local institutions in the country, and all the transactions with reference to the management and government of prisons were carried on without reference to the Government in the capital, it would not be expedient to have a police dependent only on the commissioners at Whitehall, He considered that the proposed police, instead of being established for the purpose of putting down prædial or political outrage, would be formed for the permanent protection of the majority of the people; because otherwise a violent minority might not only be very mischievous, but overpower the peaceful majority. As to the difference of opinion which prevailed upon this question, he must say that if the term "unconstitutional" could be applied to this measure, it might be equally applied to the bill for establishing the metropolitan police force which was brought in by the right hon. Baronet the Member for Tamworth, and for which both he and other Members voted, although they were in Opposition at that time. He had supported the plan, and his right hon. Friend (Sir J. C. Hobhouse), had also given it his cordial support. This should not be treated as a party question.

Leave given.

On the question that Lord John Russell and the Chancellor of the Exchequer bring in the bill,

Mr. *D'Israeli*, rose to defend himself from some remarks which had been made upon him. He disclaimed any personal imputations against any one in the House leaving that to Under Secretaries of State believing them to be coarse, vulgar, and ill-bred. [Order.] He understood that such coarse expressions had been applied to him, and defended, as they went "near the wind." Both this bill and the bill introduced last night had been introduced by a misrepresentation. If the object had been that stated by the noble Lord, why should the bill be introduced on the 24th of July? The vote would not be sufficient for Birmingham; the military were protecting the town, and must protect it. It was due to the House, that the noble Lord should give some exposition as to the state of the insurrectionary spirit in the country, as to its causes, and as to the consequences which might ensue, and the measures with which it ought to be met. He had heard some comments made upon him by the Chancellor of the Exchequer and an Under-Secretary of State, which he did not choose to pass unnoticed. Indeed, from a Chancellor of the Exchequer to an Under-Secretary of State was a descent from the sublime to the ridiculous, though the sublime was, on this occasion, rather ridiculous, and the ridiculous rather trashy. How he became Chancellor of the Exchequer, and how the Government to which he belonged became a Government, it would be difficu ltto tell. Like flies in amber—

"One wondered how the devil they got there."

He intended to oppose these measures, and would, on some future occasion, divide the House on the question, unless the Government came forward with some statement as to the condition of the country, which was due to the House and to those they represented.

Question agreed to.

House adjourned.

HOUSE OF LORDS,

Thursday, *July* 25, 1839.

MINUTES.] Bills. Read a first time:—Turnpike Tolls; Judges Lodgings; Fines and Penalties (Ireland); Soldiers Pensions.—Read a second time:—Imprisonment for Debt Act Amendment.—Read a third time:—Pleadings in Court (India); Prisons (Scotland).

Petitions presented. By the Bishop of Exeter, from several places, against Hindoo Idolatry; from Bath, Fordingbridge, Liverpool, Manchester, and Taunton, against the Church Discipline Bill; from Addingham, and Caxton, against the New Poor-law.—By Lord Wharncliffe, from Doncaster, against Lord John Russell's Appointment of Borough Magistrates.—By the Archbishop of Canterbury, from several Clerical Bodies, for Church Extension in the Colonies.—By the Earl of Aberdeen, from Glasgow, Dumbarton, and other places, for Church Extension in Scotland.

POOR-LAWS.] The Bishop of *Exeter* having presented petitions from the union of Chipping Norton and other places against the renewal of the powers of the Poor-law Commissioners, proceeded to say, that it was likely he should be absent from their Lordships' House when this subject would be discussed, but if he were present he should co-operate with his noble Friends who were most likely to propose such amendments as would make their Lordships pause before they continued the powers of the Poor-law Commissioners even for another year. The first point on which he would address their Lordships was the bastardy clause, which, when the original bill was before the House, he did all in his power to induce their Lordships to alter. At that time he was of opinion that effects the very reverse of those which were confidently expected by the favourers of the measure would ensue. They expected that there would be a great increase of chastity on the part of the young females of the country, and a great diminution of that hideous crime, infanticide, which, he was shocked to say, had been the opprobrium of this country for the last few years. He heartily wished that the expectations of the promoters, in respect to these two points, had been realized. But the reverse was the case. The reports of Poor Law Commissioners were flattering enough. But what was the fact? Returns had been ordered of the number of children registered by the clergy of the country, as legitimate children, during the four years previous to the passing of the Poor-law Amendment Act, and the four years following it. And there had been a large increase in the number of illegitimate children registered as baptized. But did their Lordships think that increase really measured the increase of illegitimate children. They might be quite sure that the number of those unhappy children born since that period, and not baptized, was considerably greater than the number of those returned as registered and baptized. Before the Poor-law passed, the birth of an illegitimate child was a matter of notoriety; the mother was obliged to proclaim the birth in order to get relief from the parish, and there was no motive for concealment, or for not taking the child to church to be baptized. Then the mother would be ashamed to keep the child of sin which she had brought into the world from that blessed sacrament, which was intended at last to impart a hope of salvation hereafter. But now the mother of an illegitimate child was tempted to do the utmost to keep it from baptism, because her chief object was to avoid exposure, and to conceal the fact that she had given birth to such a child. He did not speak lightly on this subject, but on the authority of the clergyman in the parish of Stoke Damarel, from whose statements there appeared to have been such an extraordinary diminution in the number of registered baptisms, that it would astonish their Lordships were he to give the details. But, without going into them, he would ask, was the increase in the number of illegitimate children who were supposed to live, a satisfactory subject for their Lordships? And what would they say, if the number of children brought into the world only to be sent out of it by the guilty hand of its mother could be ascertained? Let them go to Chester, and inquire there what had recently occurred at the assizes of that county, and then let them say whether infanticide had not greatly increased since the passing of the Poor-law Amendment Act. There was another part of the law which enabled, nay compelled, the guardians, to shut up all persons who need relief, however small that relief might be, in workhouses, and to separate husbands from wives, and parents from children. This was not only contrary to natural law and reason, but to the revealed law of God, and he should earnestly call upon their Lordships to retrace their steps here, and to clear themselves from the guilt of passing a law so opposed to the divine law. On a former occasion he had declared that he would take the opinion of a court of law upon the legality of that power. He had redeemed the pledge he then gave. He instructed a learned counsel to apply to the Court of Queen's Bench, and he did so, but it was so late in the term when the application was made, that the judges refused to entertain it in that term. When the next term commenced, the very learned individual whose services he had engaged told him, that whatever opinions he and others held upon that subject, the provisions of the statute were so stringent, that it was doubtful whether any application of the kind would be successful. Deferring to that opinion, and considering the state of the country in reference to this subject, he thought he had only exercised a sound discretion in not proceeding further in the matter at present. The Poor Law Commissioners, at least the assistant commissioners, wanted the union workhouses to be what the petitioners proclaimed and deplored that they were—prisons. He held in his hand an extract on the report of an assistant commissioner, which was as follows:—

> "To the old, restraint is so little of a hardship, the quiet and excellent accommodation of these new workhouses is so congenial to their time of life, that I much fear lest they should become attractive, when experience has shown that they are not so comfortless as described. At present, their prison-like appearance, and the notion that they are intended to torment the poor, inspires a salutary terror."

That was the language held in respect to the aged, infirm, and distressed; persons who could perhaps earn a little out of doors, but not enough to support them, and who must be content either to die by inches, or submit to perpetual imprisonment. There was another part of this law which he deemed to be not a whit less culpable before God. It was that by which the unhappy inmates of the workhouses were prevented from enjoying religious fellowship and community with their Christian friends in the worship of God. They were confined to the association of persons like themselves. To them Sunday was no day of rest or enjoyment. It had been said, that the late riots at Birmingham had been caused by excitement on the subject of the Poor-laws. Supposing, for a moment, that it was true, he would say, the best way of getting rid of that excitement was to remove all real grievances. Agitation would cease when the cause was taken away. The inhabitants of this country were a considerate, and, thank God, a religious people, and therefore it was that the laws were honoured, and the monarchy safe. But, if unfortunately, the time should come when they would consider the laws of man in opposition to the laws of God, their religious feeling would contrain them to resist the laws of man. Government stood upon opinion—upon opinion made up of a feeling of terror, and, happily in this country, of a deep sense of duty. Terror alone could do nothing, for the sense of duty was the firm foundation upon which all rested. But their Lordships might depend that the sense of duty would not long survive the consciousness of oppression—that it would not long survive when the people felt strongly that the laws of God were violated by the laws of man.

THE STATE OF THE CHURCH IN THE COLONIES.] The Archbishop of *Canterbury* having presented petitions from the Society for Promoting Christian Knowledge, and from the Bishop of Australia, having reference to the present state of the Established Church in the colonies, and the petitions having been laid on the Table, went on to say:—Both these petitions complained of the neglect that had taken place in making adequate provision for religious instruction, and this more particularly in the more recent settlements. In New South Wales, although such large numbers of the most abandoned of the population were yearly sent there, hardly any provision was made for their religious and moral instruction. Again, in those colonies in which the negro population had been recently emancipated, no care had been taken to make future provision for diffusing amongst them the blessings of religion, but it almost appeared that such a deficiency had arisen in this respect, that they had been deprived of half the benefits of their emancipation. The petitioners demanded an adequate increase in the number of the bishops and clergy in all the colonies; and implored the Legislature to take efficient steps for the protection of Church property in the colonies. In these prayers he cordially agreed with the petitioners, and he thought that there was no duty more incumbent on a Legislature than that it should take care that the subjects of the State were properly instructed in religion. Divine Providence had given to this country most extensive colonial possessions, but we had entirely neglected our first duty, namely, the diffusion of the gospel in them. In this respect he could not help feeling, that Catholic States had set an example which it would have been well for Protestants to follow. This neglect was particularly obvious in the present awful state of the convict population in New South Wales, completely destitute of religious instruction. But in none of our colonies was the means of religious instruction increased in proportion to the spread and increase of the population; on the contrary, in most of the colonies provision had formerly been made for this purpose, but recently, in many instances, the lands which had been granted were most improperly and unjustly withheld. At present, the chief means of religious instruction in the colonies was provided by the Society for the Propagation of the Gospel in Foreign Parts, which expended between 30,000*l.* and 40,000*l.* a-year for this purpose. The Bishop of Australia stated, that in New South Wales and Van Diemen's Land there was the greatest deficiency in the number of churches, and that some years ago the proceeds of the sale of certain lands were directed to be devoted to this purpose, after a certain portion had been set aside for the maintenance of the present churches; but for some time no portion of this grant had been so devoted, and the lands were refused to the Church. The authorities in that colony paid comparatively little regard to the diffusion of religious instruction, and refused to make any adequate provision for it. He trusted, therefore, the Legislature of this country would not let the present Session pass over without interfering in this subject. The Church in Canada had been treated with similar injustice, and had been, to a considerable extent, deprived of the reserved lands, which had been granted for the purposes of religion. This was an act of the greatest injustice, and against the first principles of sound and true policy. He was convinced, that the diffusion of the true Protestant faith in Canada, in connection with the Established Church, would do more than anything else to pacify that country. The Church, however, had been deprived of the means of making those extended exertions there which she was so anxious to make, and which the exigencies of the case so loudly called for. A matter of such extent and importance ought not to be left to any one Secretary of State, who had already too much business on his hands to give this sufficient attention, and who might be misled by interested or prejudiced persons. He earnestly requested, that her Majesty's Government would give their support to the Established Church in the colonies, and that it should be placed on a fixed and settled basis, so that its wants might be supplied as they arose, and that the Church, so far from being deprived of the possessions which were formerly awarded to it, might receive further provision for extending religious truth. The most rev. Prelate concluded by moving for papers relating to the dissolution of the Church corporation in New South Wales.

The Marquess of *Normanby* fully admitted the necessity of providing for religious instruction in the colonies where it was required. In regard to the colony in question, he would shortly state the circumstances under which the grants of land formerly made to the Church corporation had been discontinued, and the corporation itself dissolved. In 1829 Sir George Murray (then Colonial Secretary) notified to Governor Darling, that his Majesty did not intend to continue the grants of land to the Church corporation, and that the corporation itself should be put an end to. In 1831 came the decision of the judges of the Supreme Court, which, however, was not, as the most rev. Prelate seemed to suppose, to the effect that the charter could not be abrogated except by Act of Parliament, but that it could not be abrogated by the mere instruction of the Crown to the Governor, without an Order in Council. The Order in Council passed in 1833 to that effect; but in the meantime the grants of land had ceased, according to the instruction of Sir George Murray before referred to, as the instruction of Sir George Murray, on the demise of the Crown in 1830, contained no power to continue them. Since that period religious instruction had been provided for persons of all religious persuasions, in the proportion of one half by the State and one half by the contributions of private individuals. And however the most rev. Prelate might object to the division of this money among the different persuasions, there could, at least, be no complaint on the score of the amount, nor had the State shown any indisposition to contribute. The total amount of money provided in the manner before described for the purposes of education in the colony since the dissolution of the Church Corporation was 35,793*l.*, of which sum, 17,943*l.* had been appropriated to the Church of England, 5,400*l.* to that of Scotland, and 5,650*l.* to that of Rome.

The Archbishop of *Canterbury* entertained no objection on the score of the amount of the funds appropriated to religious education, but to all religious denominations being placed on the same footing.

Returns ordered.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount *Melbourne* moved the Order of the Day for the Committee on the Municipal Corporations (Ireland) Bill.

Lord *Fitzgerald* and *Vesey* rose to move, that it be an instruction to the Committee to transfer Galway from Schedule A to Schedule B. He did it in accordance with the prayer of a petition which he presented on Tuesday last, agreed to at a meeting at Galway, at which there was but one dissentient. The petitioners prayed to be exempted altegethe from the operation of this bill; or in the event of that prayer not being complied with, then that the boundary of the borough under the bill might be limited to the town of Galway itself. The inhabitants of Galway now enjoyed, under two local Acts, almost all the privileges that would be given them by this bill—all, in fact, that was necessary for the internal government of the town, the administration of the city, and of the harbour dues; and the only result of giving them a corporation under the Act would be to put them to an expence of 5,000*l.* per annum, without any corresponding advantages. They could still have a charter of incorporation, should they afterwards require it. The noble Lord concluded by moving the instruction.

Viscount *Melbourne* doubted whether the petition and the letter referred to by the noble Lord afforded sufficient evidence of the wishes of the inhabitants of Galway to justify their Lordships in acceding to the motion of the noble Lord, even if their Lordships were to agree to comply with the wish of the inhabitants when fully and satisfactorily made known.

The Earl of *Wicklow* did not think the noble Lord had adduced sufficient evidence of the wishes of the people of Galway to justify their Lordships in acceding to the motion. He thought, however, that the second prayer of the petitioners might fairly be complied with. Nothing could be more unfair than to give a new corporation the power to tax portions of the county for the support of the town, under a new arrangement of the boundaries. With reference to the motion of the noble Lord, he must protest against it; but, at the same time he wished that a provision were introduced into the bill, by which a majority of the inhabitants of any town might secure the exclusion of their borough from the operation of the Act, if they did not desire to have a corporation. He thought that towns should have the option of being made corporate or not; but, at the same time they should also be placed in such a situtation as that they might be placed in schedule B, if they were so disposed.

The Duke of *Wellington* said, that this measure had been introduced under an impression that it would be acceptable to the people of Ireland, and would be most anxiously looked for. It appeared, however, that that was not at all the case; but, on the contrary, that it was looked upon as a burden to be imposed upon, and as a duty required of them.

Viscount *Melbourne* said, he did not agree that it was a burden upon the people of Ireland. It certainly, however, was a duty which would be required of them. His idea was, that if this motion were adopted, there would be other petitions from Galway, expressing dissatisfaction at the course which had been adopted.

Instruction agreed to.

Lord *Lyndhurst* said, that as it was his intention to propose several amendments to this bill, he thought he should best consult the convenience of their Lordships by pursuing the course which he had adopted during the last Session, and to state, in the first instance, the general nature and scope of the amendments which it was his intention to bring under the attention of the House. He thought, that in pursuing that course, he should render himself more intelligible than by stating the different amendments successively in Committee. Before he proceeded to state what the nature of the amendments was, however, he begged that he might be allowed for a few moments to advert to what had fallen from his noble and learned Friend opposite (Lord Brougham) on a former night—he meant the most forcible observations which had been made by the noble and learned Lord with respect to the delay which had occurred in the coming up of this bill from the other House of Parliament. Those remarks had led him to inquire more particularly into the proceedings of the other House of Parliament with respect to this bill, and he thought that they disclosed a case of so much negligence on the part of the Government, that he thought he should not be excused if he omitted to present them in some little detail to their consideration. This bill had been adverted to in her Majesty's Speech from the Throne on the first day of the Session. It was there described as a question of great importance, which deeply affected the interests of Ireland, and under such circumstances he would have supposed, that it would have been prepared before the meeting of Parliament, so to be laid on the Table of this House, or of the House of Commons, on the first day of the Session, and more particularly as the attention of her Majesty's Ministers had been directed to the subject for four or five years, and as the subject had been repeatedly discussed both in this and the other House of Parliament. It was not, however, until the 19th of February that the bill was laid on the Table of the other House; and the second reading was not fixed until the 8th of March. Nearly one month, therefore, elapsed between the time of the introduction of the bill, and its being read a second time. After the bill had passed its second reading, the 22d of March was named as the day on which it would be discussed; but when that day arrived, it was passed over the Easter holidays. and was fixed for the 15th of April; so that before any substantial step was taken on the measure, three months had elapsed from the meeting of Parliament. On the 15th of April, what took place? It was postponed until the 18th, and then on the 18th, from that day to the 19th, and then on the 19th what took place? It was to be observed, that for all these steps the Ministers were responsible, for it was for them to carry it through the House; but on the 19th of April the House of Commons went into Committee *pro formâ*, not for the purpose of discussing the bill, as originally proposed, but to receive thirty-four clauses, which ought to have been made part of the original measure—so that the bill for the purpose of discussion, was not ready until the 19th of April. What followed then? It was necessary that the amendments should be printed, and the 3rd of May was appointed for the discussion of the amendments. What then took place? The clauses were not printed, and their consideration was postponed until the 10th of May. What happened on that day? The amendments were not printed, and a further postponement took place to the 17th of May. The amendments were still unprinted, although the matter was in the hands of the Government, and the Government printer was employed, and the 31st of May was then fixed. The subject then again came on, and their Lordships would be astonished to hear that the amendments were not printed on that day; and then the 7th of June was named for the discussion. On the 6th of June, the day before the debate upon the question was to come on, for the first time the printed papers were circulated among the Members of Parliament; and it being impossible then to discuss the amendments, the subjects was again put off until the 21st of June. It was then finally postponed, he believed, without any reason at all, until the 28th of June. Two or three days at most before that day, an intimation was given by her Majesty's Ministers that they meant really to proceed with the discussion according to the appointment. There had at that time been so much delay in the progress of the measure, that it was supposed by some, that it had been given up for the Session, and there were many even who supposed that some motive existed which induced the Government to go on with it on that day; and he found that on the 21st June a very singular paragraph was inserted in a newspaper which was supposed to be the agent of the person who was supposed to conduct the affairs of Ireland indirectly through the medium of her Majesty's Ministers. The paragraph was as follows:—

> "Nearly five months of the Parliamentary Session have passed, and no one measure of general public benefit has been carried."

That was introductory.

> "The public and the well-wishers of the Government begin to ask anxiously what is become of the Irish Municipal Corporations Bill. It would be shocking in the extreme to have the existence of the condemned Tory corporations prolonged for another year."

This appeared in the paper on Friday the 21st June. It would arrive in London on the Monday following, and either on the Tuesday or the Wednesday an intimation was given on the part of the Government that they meant really to proceed with the bill. Their Lordships, therefore, would not be surprised if some persons did draw inferences, that although it had not been the intention of the Government to proceed with this measure, this intimation might have led the Government to bring it forward. At last it went into committee. A few clauses were considered then, and on the 4th of July, on its being again committed, the remaining 250 clauses of the measure, although three divisions took place, were disposed of in the course of four or five hours—a bill of the most intricate nature, requiring the greatest care, and of the greatest importance to the people of Ireland, was disposed of in the course of four or five hours. Some persons had supposed that the Government were not very desirous that this bill should pass during the Session, and that it was not very disagreeable to them that this grievance or supposed grievance of Tory corporations should continue for another year. He was sure, with reference to the character of the ministry, that they could not desire this; but this he must say, that a greater degree of supineness—a greater degree of negligence, a greater degree of feebleness in legislation altogether had never been exhibited on any former occasion by any government of this country. Now as to the measure itself. He had from the beginning looked at it with fear and anxiety. The Tory or Protestant corporations of Ireland were originally established for the purpose of maintaining the Protestant interest in that country. They were formed professedly and avowedly for that purpose. It was said, that their powers had been abused, and that they ought to be abolished. He did not mean to deny, that in so many corporations, and in so long a time, abuses might have crept in; but he did say, that upon investigation it was found, that the accounts which had been given were much exaggerated. They ought to be changed, and he should feel most anxious and ready for that change, if he felt that it was impossible to establish something like neutral institutions in their stead; if he thought it would be possible to re-establish institutions which should be neutral upon the point of religion, and of the politics of the country, he should be most eager for the change. But it was impossible to expect such a result; and any man who indulged in such anticipations must indulge largely in fancy. If this bill passed in its present state, he would take upon himself to say that, except in the northern province of Ireland, there would be in every town a Radical and Roman Catholic mayor, a Radical and Roman Catholic town-council, Radical and Roman Catholic magistrates; and he asked the House, when they considered that every day the police of the country was becoming more and more Roman Catholic, and when they looked at the state of the populace of the large towns of Ireland, what would be the effect of any excitement which might take place? He contended that the effect of the bill would be by degrees to root out the Protestant interest in the greater part of Ireland. To advert to another means by which great discouragement was held out by the Government to the Protestant interest by another Act lately passed, he had attended in some degree to a question a little connected with this. He meant the course pursued with respect to the elections of the guardians of the poor in Ireland, and he was informed, from good authority, that in many districts these elections had been conducted under the direct influence of the Roman Catholic priesthood. Lists had been formed, and meetings had been held, at which the Roman Catholic priests were frequently themselves in the chair presiding. It had been said,

> "This is the list which we have chosen; you may select other persons, perhaps, equal in point of merit to those in this list; but unanimity is essential to success, and we must not deviate from it."

And the result had been, that the list made out had been adopted, and in more than one instance the altar itself had been profaned, in order to secure the object in view. But did he derive any encouragement from looking at the case of England? What had taken place only a few days ago, in a town in the very centre of this island, would not induce him to look with great confidence to a Radical corporation in Ireland, consisting of a Radical town-council and Radical ministers of justice. He should not, however, act consistently with the course which he had formerly pursued, if he opposed this measure upon these grounds only. He was desirous that this bill should go into committee, and be there investigated; but if it should turn out on the introduction of these amendments, which, in conjunction with some of his noble Friends, he meant to propose, that they should be rejected, and the bill should come out of committee unchanged on the points to which he objected, he should vote against its third reading. Having now stated his objections, he begged to call the attention of the House to the nature of the amendments which he intended to propose. They were not so extensive as those which he had introduced in the last Session, and for this reason, that the other House of Parliament, at the suggestion of her Majesty's Ministers, had adopted many of those which he had proposed. The first amendment, that which was most material of all, which he intended to introduce to the notice of the House, was one as to the qualification, and was the same which had been adopted during the last Session. It was that the qualification should be the occupation of a House of the yearly value of 10*l.* It was not his intention to recede from that point; their Lordships had fixed the amount of the value after some deliberation, and they intended to adhere to it. It was requisite, that the valuation should be fixed by some test which should be satisfactory for the purpose of ascertaining the *boná fide* and fair value. A noble Duke, a few years ago, when the bill for the reform of Irish municipal corporations had been rejected, had stated, that he hoped that on some future occasion, when the Poor-law Bill should be passed, that a plan would be adopted by means of rating. Now the meant in their amendments to adopt this test:—If the party were rated for his house and property to the amount of 10*l.*, according to the value which was fixed by the commissioners, and paid the rates, he should then be entitled to be a burgess, and to be enrolled. They considered, that as a party had a pecuniary interest to keep the rate as low as possible, this was the best check which could be adopted in Ireland for the purpose of rendering the valuation perfect; and at the same time they placed great reliance on the integrity of those persons to whom the important duty of valuation was entrusted. There was one point, however, which was very material for the consideration of the House. They would say that all that could be done was to take the valuation according as it was stated. That, however, would not answer the purpose. In this country the revising barristers, whether rightly or wrongly it was immaterial to inquire, had acted on a different principle. They had taken the rate on the supposition, that the landlord's repairs and insurance were paid by the landlord. It was said, that they should in this case take the valuation of the commissioners under the Poor-law; but if they did that, it would give a higher Parliamentary franchise in Ireland than existed here. For the purpose, therefore, of getting rid of all objections and cavils, he would put the Parliamentary franchise in England and Ireland on the same footing, and if the amount of the valuation, as found by the Poor-law commissioners, together with those repairs which were paid by the landlord, and the insurance, should be 10*l.*, then the party should be entitled to be enrolled, and by adopting that principle the holder of a tenement of the value of 10*l.* in Ireland would acquire the right which was admitted by the revising barristers in England. This was all that he had to say on that part of the qualification; but if their Lordships looked at the bill, they would find, that the pecuniary qualification was only to last for three years, and at the expiration of that time a new qualification was immediately to come into action, which was the occupying for three years, and being rated and paying rates for three years, for a house of any value at all, the amount of rating being immaterial. He objected entirely to that qualification. If it should become necessary at any future period to make any alteration in the qualification, let them make it at the time when the facts were before them, and when they were able to form correct judgments as to the propriety of the alteration. Let them not legislate by anticipation. It was unwise to pursue such a course, and he was quite satisfied, that their Lordships would agree with him, that this part of the measure should be rejected. Now, having stated this, which was the most material and vital part of the bill, he should direct their attention to the other points which were important. First, with respect to the sheriffs; the appointment of the sheriffs in the counties of cities and counties of towns in Ireland—he said, that the appointment of sheriffs should be the same in such cases as in counties generally. According to this bill, it was proposed, that three persons should be recommended by the town-council, and if the lord-lieutenant should not be satisfied, three others should be selected. He wished to have the opinion of the lord-lieutenant in such cases, but he certainly thought that the town council was unfitted to perform such a duty as was desired to be conferred upon them. He should, therefore, propose, that the appointment of sheriffs in the counties of cities and counties of towns should take place in the same manner as in the counties of Ireland generally. The next point was as to the charity trustees. He approved of the general course as it stood; but he proposed one or two exceptions, arising out of particular circumstances. There were two schools in Dublin—the Blue-coat school and Erasmus Smith's school—which were founded by Protestants for Protestant purposes; and he said, therefore, that they should be under the care of Protestant trustees. The same principle had been applied to a school in Lincolnshire, and the amendment which he should propose would correspond exactly with the case of Louth, which had terminated so advantageously. Another point to which he would refer was the compensation clauses. When the Legislature deprived persons of their offices, to which they were legally entitled, which they had long held, and by which they had formed a connexion, it was the duty of the Government to give an indemnity to the parties called upon to make the sacrifice. He approved of the clause in the bill with one exception. What he proposed was, the minutes of the Treasury, on which this compensation had been given under the English Corporation Bill, should be introduced into that bill, to form a guide for the commissioners who were to award compensation under that bill. The next point he wished to mention was the grand jury presentments. On the same 19th of April to which he had already referred, thirty-four new clauses were introduced, several of which related to this subject, and which transferred from the grand jury to the town council the power of raising assessments. He objected to these clauses; they were not in the former bill, and there was not time in the period which remained of the present Session to enter into a minute examination of this point. If a change were desirable, a bill might be brought in next Session, directed to that object alone. Another objection that he had was, that there existed some checks to the present system; the presentments might be traversed; they required the fiat of a judge; there were other checks which were not adopted in that bill. He should object, therefore, to those clauses, and should propose to cut them out. Again, as to the grants of the new charters, what had taken place in Manchester and in Birmingham had rendered a consideration of the circumstances of the grants necessary. The principle on which a charter was granted in England was that it was given upon an application of the inhabitants. Did that mean a majority of the inhabitants? With respect to Birmingham, the charter was granted on the petition of only 1,700 of the inhabitants. [The Marquess of *Lansdowne*: They were a majority of those who had expressed any opinion.] It was a matter of grave consideration whether this was a compliance with the Act of Parliament. What he proposed was, that it should be declared, that the grant should be made on the application of a majority of the inhabitant householders. Then it was not reasonable, that a mere majority of the inhabitant householders should have the authority of imposing permanent charges on the town; the power ought to be confined to the more substantial householders, and he would propose, that the application should be by a majority of the inhabitants rated at such a rate as would entitle them to vote as burgesses if the corporation were granted. It was necessary also to provide for a contingency. Some of the corporate towns were included in Schedule B, and might not apply for a corporation; some of these towns were possessed of property, and provision must be made for the management of that property. By the bill of the last Session it was proposed, that this should be done by commissioners, elected by persons having the same qualification as those entitled to vote as burgesses, but by the present bill the House of Commons had said, that the property was to be managed by commissioners elected under the act 9th George 4th. He objected to that proposal, because the qualification for a vote for the commissioners would only amount in value to 5*l.*, and he thought that they would be more respectable if they confined the right to the inhabitants of houses of 10*l.* He had stated shortly the general nature of the amendments which he proposed. These amendments were simple, but he must state also that the consequent alterations of the details would run to a great length, and he had put their Lordships in possession of the scope of his amendments, that when the details were before them the alterations might be easily apprehended. If their Lordships should adopt these alterations, he for one would cordially support the third reading of the bill; but if, on the other hand, their Lordships should be of opinion that these amendments were not proper to be received, and if the bill, after it had passed through committee, should remain in anything like its former state, he should feel it his duty, with many noble Lords on that side of the House, to give to the bill on its third reading his warmest and most strenuous opposition.

Lord *Brougham*, after much consideration on what had passed both this year and last year, remained of the same opinion as last year, and differed entirely from his noble and learned Friend. In the first part of his noble and learned Friend's statement he concurred; he meant as to the length of time which had elapsed from the beginning of the Session to the 28th of June, when the bill was effectually proceeded with. Still their Lordships had time, though late, to give full attention to the details of this bill; but it did not follow that they would have the same power to attend to others. He thought that his noble and learned Friend had taken a convenient course, by stating generally, before they went into Committe, his objections to the scheme. The first objection of his noble and learned Friend seemed to be against the granting of corporations altogether; but he did not understand that the noble Lord carried his opinion so far as his argument would lead. But then the noble and learned Lord said, that they would have a Roman Catholic and a Radical Mayor; but the word "radical" seemed only flung in for the purpose of rounding the sentence; the great objection seemed to be against the Roman Catholic—that they would have a Roman Catholic and Radical Corporation, and a Roman Catholic and Radical Magistracy. He much feared that this evil—if it were an evil—was essentially inherent to the circumstances of the case. It would be the result, not of that bill, but of any measure, of any organization whatever, and of any machinery they could invent, more or less of a popular nature; it must depend on the proportion of the sects in religion, and of the parties in politics, which might be found to exist. The reason why they would have a Roman Catholic Corporation was because the number of Roman Catholics was as six or seven to one of the Protestants; and if they gave a right of voting, the majority must turn the election. His noble and learned Friend hoped to find somebody neutral in religion and in politics. Now, a neutral in religion was a very odd sort of being: he must be neither of one religion nor of another. A neutral in religion meant an Atheist. He could neither be a Catholic nor a Protestant, nor a member of the Greek or of the Lutheran Church, and he for one did not much expect to see such a person. A neutral in politics was a much more desirable person, but not much more likely to be found. If they found a neutral in religion, they ought to guard him, by shutting him up in a cage; but if they found a neutral in politics, he was so rare, that they ought to preserve him in a museum; for he had never seen so rare an animal in any museum of which he might happen to have been the curator. If they wished to make these religious conflicts less numerous, their Lordships ought not to recognise them; for if they framed any measure purposely to meet differences in religion, they would be sure, as an inevitable consequence to perpetuate them; they would experience the same consequence as had arisen from their past impolicy; they would have a perpetuation of religious jars, because they would have that sanction of the Legislature which it would, in fact, give whilst it pretended to withhold it; just as if they treated a man or a woman as an abandoned character, that man or woman would be anxious to show that they would not be treated so for nothing, and, therefore, become what they were presumed. In proceeding then with legislative measures, he thought that they ought to proceed just as if no differences existed. The present bill took an 8*l.* franchise; the noble and learned Lord would take a 10*l.*, allowing certain deductions. It would not make 2*l.* difference;, no nor 1*l.* He did not believe that it would include more than 15*s.* or 16*s.*; and he would ask the noble and learned Lord whether it were worth to enter upon a conflict with the people in Ireland, and with the other House of Parliament, for a difference of less than 20*s.*? For himself he was inclined to go further than the franchise proposed; he thought that the household suffrage existing in England should be adopted in this bill. But it should be recollected that an 8*l.* house in Ireland was of greater comparitive rent than the same sized house in England;

it was equal to a 12*l.* or a 14*l.* house here; and this bill fixed that as a minimum, whilst here there was no such thing. Therefore, if this bill were liable to exception, it was not for fixing the franchise too low, but too high. The next point to which his noble and learned Friend had referred was relative to the time—to the period of three years after which the household qualification was to come into force. It certainly was not very usual to legislate for the future in the way proposed by this bill; but it might be reasonable under the peculiar circumstances of the case. It was proposed that the house must be rated; and he understood that for some time there would be no means of applying this test; and because the rating would not come into immediate operation, the period of three years had been selected, before the English franchise should be introduced. That seemed a sufficient answer to that portion of his noble and learned Friend's speech. The The next point referred to related to the appointment of the sheriffs; and as far as the English practice went they had local sheriffs elected by the corporate towns. The sheriffs of London were elected by the corporation and not by the power of the Crown; and they exercised this anomalous power; that there was no sheriff of Middlesex appointed by the Crown, but the two sheriffs of London acted as sheriff of Middlesex. He did not see any great objection to this in point of principle. With regard to the magistrates his noble and learned Friend said, that from what had happened in the centre of this island he objected to the appointment of magistrates. But he did not think that this was so much owing to the system as to an indiscreet and imprudent choice. He did not intend any personal disrespect to the Gentlemen nominated, but it happened that they had committed themselves with respect to the employment of physical force; and though he had the moral conviction that they were the very persons to put the law in force with the greatest rigour, according to the old proverb that they would use as much force one way as they had used the other, and so make the balance even, yet the objection to the appointment of such men was that the people would not be persuaded that they would not omit to punish lawless individuals. But that was not the fault of the system; it was an imprudent appointment. With respect to granting charters on the application of the inhabitants, he thought that there might be good ground for stating in the bill how the sense of the people should be taken, but he hoped that his noble and learned Friend would reconsider the question, because he did not think that it would ever do to give the power to a majority of the 10*l.* householders; it must be a majority of the inhabitants assembled at a public meeting. On these grounds, with the exception of the last amendment, he held the same opinion touching his noble and learned Friend's alteration as he held a year ago. He earnestly hoped that this would be the last time that he would have to trouble their Lordships on the Irish Municipal Corporation Bill; the very name was rendered tedious by the length of time the measure had been before Parliament. He did hope that their Lordships would come to some determination on a measure which he himself thought to be of much importance, and which others, by thinking it much more important than he did, had perhaps rendered it of more importance than it really was; and that they would finally put the measure in such a train as to afford a reasonable hope of seeing it, once for all, brought to a satisfactory adjustment. If some of the alterations suggested by the noble and learned Lord were made, he did not think they they would endanger the measure elsewhere; but he feared that if all the alterations were introduced, they would endanger its success, and he looked upon them, therefore, as tending to perpetuate those acrimonious feelings which all men wished to see put in a train of settlement.

The Earl of *Wicklow* did not think that the amount of the noble and learned Lord's amendment was sufficient to cause the rejection of this bill. What the amount of the repairs and insurances was he was not prepared to say, nor had the noble and learned Lord stated it, but he was very much disposed to think that it would make but a small difference between the 8*l.* stated in the bill, and the undefined sum proposed by the noble and and learned Lord. If the difference were small, great inconvenience would be made by the intended change; there would be a clear and definite qualification if they took the 8*l.* according to the valuation of the Poor-law Commissioners; whereas if they went into the calculations proposed by the noble and learned Lord, new valuers must be appointed to ascertain the value for the franchise, and there would be three distinct qualifications—one for the poor-rates, another for the elective, and a third for the municipal franchise. For these reasons he thought it inconvenient to make the proposed change. He thought that the qualification in Dublin ought to be higher than in other towns, and he would support such an alteration if it were proposed, but the extension of a higher qualification to all towns he would oppose. On the second objection as to an alteration of the franchise by the substitution at a future day of a three years' rating, he would support the noble and learned Lord. And with regard to sheriffs he was disposed to think that their appointment might be amended hereafter if the corporations should be found practicable, but in the first instance it would be better that the appointment should be left with the Lord-lieutenant.

Their Lordships went into Committee.

On the 21st clause,

Lord *Lyndhurst* moved his amendment for making the qualification 10*l.*

Viscount *Melbourne* said, that after the clear and able manner in which this point had been argued, it was unnecessary for him to go into the general question. He would only observe that to make the qualification in the poorer boroughs and cities of Ireland the same as in the boroughs and cities of England, was equally absurd and unjust. It would have been much better for noble Lords opposite to have openly opposed the bill on general grounds; to attempt to defeat it in this manner was unwise. This was the main clause of the bill—the leading provision. He did not pretend to say what might be the consequence of their Lordships' decision; but this he was sure of, that if they wished to settle this question, they were acting in an imprudent manner to raise up obstacles to their own success. He was well assured, on the best authority, that 8*l.* was as good a security, as good a qualification, as it was possible to obtain in Ireland under its existing circumstances. As such it had been adopted by the House of Commons; and if it were adopted by their Lordships, it would most probably bring this question to an amicable settlement; whereas he could not but think that noble Lords were acting for no worthy or sufficient object if they persisted in raising up difficulties in the way of what they all admitted to be desirable, the settlement of this question.

The Duke of *Wellington* had always in view in making these new arrangements, that they should not make a revolution in all the towns in which these arrangements were adopted. He consented to abolish these corporations in Ireland on their existing principle, because they had hitherto been exclusively Protestant. He was desirous, that the elective principle should be applied in the formation of these new corporations, but he wished to apply the elective principle in such a manner as to have a fair and impartial administration of the government of these corporations for the benefit of all the inhabitants, and fôr the protection of property. He believed, that the qualification proposed by his noble and learned Friend, and the other arrangements which would be proposed in the course of the bill, might render the bill such as to give noble Lords a hope of gaining the desired object. Notwithstanding what the noble Viscount had been pleased to say on that subject, what he (the Duke of Wellington) could say was, that he had no objects in this bill which he considered otherwise than worthy objects. He wished to establish corporations which should administer the government of these towns impartially, and which should protect with impartiality persons and property, and above all, which should take care that property should not be plundered for the purposes of patronage or any other such purposes. The noble Viscount had insinuated against noble Lords on his (the Duke of Wellington's) side of the House, that they did not mean to carry the bill. He begged to submit to their Lordships the fact, that they had had this bill under consideration for a few days only. Those who had had the bill under consideration during the whole of last summer, and had had an opportunity of considering it in all its parts, and who had since had an opportunity of weighing and discussing it, and directing their attention to it, and who knew, as they must have done, the opinion of their Lordships' House on the subject, as well as the opinion of a large portion of the other House; it was they who had not meant, and who did not mean to carry it, and not the noble Lords around him. It was they who had taken no measures to modify the bill in such a manner that it should meet the support of their Lordships—it was they who did not mean to carry it. It was they who had brought the bill to their Lordship's House at a period of the Session at which it was clearly impossible to do more than discuss it in the manner in which they were discussing it now—it was they who had no intention of carrying the bill, and not the noble Lords around him. The noble Viscount would do well to pause before he brought such charges, or made such insinuations as these.

The Committe divided on the original motion:—Contents 50; Not-Contents 93: Majority 43.

List of the CONTENTS.

DUKES.
Argyll
Somerset.
MARQUESSES.
Conyngham
Lansdowne
Normanby
Tavistock
Headfort.
EARLS.
Fitzwilliam
Minto
Radnor
Burlington
Ilchester
Fingall
Scarborough
Charlemont
Lichfield
Spencer
Leitrim
Gosford
Zetland
Wicklow
Lovelace
Cork.
VISCOUNTS.
Melbourne
Duncannon
Lismore
Falkland.
BISHOP.
Ely.
LORDS.
Cottenham
Poltimore
Lurgan
Montfort
Byron
Say and Sele
Dacre
Berners
De Freyne
Stuart de Decies
Seaford
Hatherton
Barham
Colborne
Stanley, of Alderly
Langdale
Leigh
Carrington
Wrottesley
Methuen
Gardner
Mostyn.

List of the NOT-CONTENTS.

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Armagh.
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Buccleugh
Dorset
Wellington.
MARQUESSES.
Salisbury
Abercorn
Bute
Downshire
Thomond
Exeter
Cholmondeley
Westmeath
Ormonde.
EARLS.
Devon
Sandwich
Shaftesbury
Abingdon
Jersey
Morton
Moray
Haddington
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Kinnoul
Airlie
Aberdeen
Aylesford
Warwick
De la Warr
Bathurst
Talbot
Beverley
Liverpool
Cadogan
Roden
Clanwilliam
Longford
Bandon
Rosslyn
Wilton
Limerick
Chaleville
Manvers
Harrowby
Verulam
Beauchamp
Glengall
Sheffield
De Grey
Eldon
Ripon.
VISCOUNTS.
Hereford
Strathallan
Hood
Strangford
De Vesci
Hawarden
St. Vincent
Gort
Canterbury.
BISHOPS.
Lincoln
St. David's
Carlisle
Rochester
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LORDS.
De Ros
Saltoun
Sinclair
Colville
Sondes
Rodney
Carteret
Montagu
Bayning
Carbery
Farnham
Clonbrock
Redesdale
Ellenborough
Sandys
Churchill
Prudhoe
Colchester
Ravensworth
Forester
Rayleigh
Bexley
Fitzgerald
Wharncliffe
Lyndhurst
Cowley
Wynford.

Paired off.

CONTENTS.	NOT-CONTENTS.
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Kintore	Doneraile
Strafford	Exmouth
Sherborne	Bradford
Kinnaird	Leven
Sefton	Clare
Lovat	Wallace
Camperdown	Dalhousie
Sutherland	Orkney
Bruce	Maryborough
Crew	Courtown
Yarborough	Beresford
Rosebery	Sydney
Petre	Digby
Kenyon	Erroll
Cloncurry	Downes
Lynedoch	Mountcashel
Portman	Montrose
Roxburghe	Selkirk
Crewe	Combermere
Wenlock	Braybrooke
Dormer	Hood
Vaux	Ashburton
Segrave	Falmouth
Bateman	Tankerville
De Mauley	Londonderry
Effingham	Dunsany
Belhaven	Eglington
Durham	Macclesfield

Torrington
Morley
Ducie
Vernon
Craven
Thanet
Chichester
Breadalbane
Dinorben
Bishop of Peterborough
Brougham

Mansfield
Hertford
Brownlow
Aylesbury
Howe
Reay
Gage
Canning
Stuart de Rothsay
Bishop of London
Bishop of Dromore

The clause so amended to stand part of the bill.

A great number of other amendments were made in conformity with Lord Lyndhurst's suggestions, and the bill was ordered to be printed.

House resumed.

CHURCH DISCIPLINE.] On the Order of the Day being read for the third reading of the Church Discipline Bill,

The Bishop of *Exeter* moved, that the House do now adjourn, but after some explanation, withdrew his motion, and stated, that the proceedings with respect to this bill were rather remarkable. It had been referred to a committee upstairs, before which it had been for upwards of six weeks, and very great alterations had been made in it. These alterations had been introduced in the reprint, but nobody had explained the object of these changes. He put it to the promoters of the bill, whether it would not be better to explain the scope and object of these alterations before they proceed further.

The Earl of *Devon* was rather surprised at the right rev. Prelate manifesting an appearance of ignorance at the alterations made in committee, which, if he was not much mistaken, was often attended by the right rev. Prelate. He would, however, shortly proceed to state the object of the alterations, and the grounds of proposing the third reading of the bill. He knew that this bill would be exposed to the most strennous opposition of the right rev. Prelate, because it did not give to the bishops that power which the right rev. Prelate thought it was desirable they should possess in the government of the clergy of their respective dioceses; and he believed also that it would be opposed by others, because it gave too much power to the bishops. It often happened, however, that a bill that was opposed strongly by the extremes of both sides, was most worthy of the attention of the Legislature. The bill had been introduced to the House by the most rev. Prelate, and its object was, to get rid of the anomalies and difficulties that were now met with in adopting proceedings respecting the conduct of the clergy in the Ecclesiastical Courts in various parts of the country, in which the proceedings were not always conducted in the best possible manner, and they could not always command the best talent in their local ecclesiastical jurisdictions. It was impossible that such a state of things could afford anything like satisfaction. The bill, therefore, proposed to abolish those courts, and to submit those causes to the Court of Arches, which court, by the registrar, was to have the power of taxing the costs, and of enforcing payment of them in the manner adopted in any of the Ecclesiastical Courts. A good deal of discussion had taken place in committee as to the propriety of altering the existing law; but, upon the whole, it had appeared that it was not necessary or desirable to preserve to the bishops the power of excercising a judicial authority for the correction of clerks, when it was required to go to a regular trial. Clauses, however, had been introduced, calculated to obviate some of the objections which had been raised to this part of the measure. The object had been, to preserve to the bishops the superintendence and control of the clerk, so far as it was possible, with a due regard to the objects of the bill. He thought their Lordships would agree with the committee, that when it was necessary to submit the conduct of a clergyman to a judicial court, that in such a case, it would be well that the bishop should not be the judge. Such was the general nature of the bill. The general principle of the measure was, to allow the bishop as much authority as was beneficial for the interest of the Church, and, when it became necessary, to give a power to call to the aid of the bishop a court of justice.

Viscount *Canterbury* could understand that the preamble of this bill expressed distinctly the feelings of the public, and it might be fit that legislation should take place. The preamble stated, that it was desirable to have uniformity of proceedings in causes relating to the correction of clerks; that it was desirable to have those causes decided in one court; that the number of appeals should be diminished, and that the decision should be given in all such cases, by a person presiding over a court of justice, subject to an appeal to her Majesty in Council. That, in his opinion, would be satisfactory to the public. But when the noble Lord said, that the bill would prevent the circulation of scandal in cases of misconduct, which were not of an aggravated nature, and that the bishops would have the power in such cases, to preserve the scandal from being made public, he must beg their Lordships to look at the provisions of the measure. And what did he find first. Why, it was provided that a copy of the charge of misconduct should be laid in the office of the registrar, which any one might inspect on the payment of a shilling; and it was also provided, that copies of the charge might be obtained by any person for a moderate sum, and all this was before the suit was commenced, and before the person bringing forward the charge had entered into any guarantee to prosecute. Was, then, an individual to be allowed to circulate charges against a clergyman of the most aggravated character—charges brought forward, perhaps, from a spirit of revenge, and without the slightest foundation in truth? Could such a proceeding prevent the circulation of scandal; or was it consistent with justice to allow such charges to be thus made public' more particularly when the accusing party was not bound to prosecute? Now, that was not in furtherance of the objects contemplated by the preamble of bill, and it could not have been the intention of its framers to enact such a provision. Upon this point, therefore, he was sure that their Lordships would be of opinion that the charge, when made, should be less obnoxious to the individual, and less calculated to promote injustice. As the law now stood, a clergyman could not be deprived of his clerical character, except by a sentence of a Court. He could understand that great objections might be urged against the provisions of the bill on the score of personal severity and hardship. It might be very hard to bring a clergyman from Northumberlandor Cornwall to London, when he might have his cause tried in a country court. At present there were eighty courts in which causes of this nature could be tried, and it was unreasonable to expect that all those would have learned judges to preside over them, or that there would be uniformity in their practice, but this might be the case if they had four or five courts. It appeared to him to be a strange thing that by this bill power was given to the bishop to decide whether a cause should be tried or not. He was not aware that the bill was to have come on that evening; indeed he had been told that it would not. He should not, however, oppose the bill, as he approved of the objects contemplated by the preamble; but he felt now, what he had felt from the first moment since the bill went into committee, that the enactments of the bill were not altogether consistent with the preamble; that they pressed on individuals with an extreme degree of harshness and severity amounting almost to injustice; and that they were in other respects not such as their Lordships would wish to pass out of their hands, in order to send it down to the House of Commons. He was the less unwilling to trouble their Lordships with the few observations which he had offered, because at this point of the Session no man could have the slighest expectation that the House of Commons would have sufficient time to enable them to pass the measure into a law.

Lord *Wynford* said, that if the bill had carried out the preamble, he would have given it his heartiest support. His objection to the bill was, that it did not carry out the preamble, and that it was more at variance with the preamble now than before it went into committee. His noble Friend had said, that at this time of the Session it was impossible that the bill could be passed into a law by the House of Commons. It was stated in the preamble of the bill that the bill was rendered necessary, in consequence of the present proceedings in the ecclesiastical courts, which, owing to the number of courts and the multiplicity of appeals, was attended with very great and enormous expense. He should like to know how the number of the courts could possibly add to the expense of the proceedings? It might as well be contended that the existence of the Court of Common Pleas added to the expense of the Court of Queen's Bench. He would in a moment satisfy his noble Friend on the Woolsack, and his noble Friend who sat beside him, that the working of the bill must be attended with greater expense than the old law. The principal expenses in the Ecclesiastical Court were occasioned by the length of the pleadings.

The pleadings in the courts of common law were not one quarter in length of the pleadings in the Ecclesiastical Courts. Under this bill, however, the Judge of the Court of Arches might, if he pleased, examine, in the first place, all the witnesses at an enormous expense by depositions, and, after the long dilatory proceedings by depositions, he might order an examination *vivâ*, and afterwards a commission. He wanted to know, then, whether the expense would not be considerably increased by the present measure? The bill would place the clergy in a cruel situation, and would tend to increase the expense of legal proceedings. For these reasons he moved that the bill be read a third time this day three months.

The *Lord Chancellor* said, that as there had been a bill before the House bearing the same title as the present, he wished that the measure now under discussion should not go down to the other House under the impression that it was his measure. He disclaimed any responsibility for the provisions of the present measure. The bill he had introduced had the sanction of the great majority of the right rev. Bench, and was calculated to remove great and acknowledged evils existing in the present law in respect of Church discipline. That law, indeed, was so grievous, that it was very little attempted to be brought into operation; and, in point of fact, there was no Church discipline as exercised by the Ecclesiastical Courts. Various endeavours had been made to remove the acknowledged evils of the system. There were now five Courts of Appeal, and the expense of the proceedings was so great as to deter persons from seeking their legal remedy. Besides, the courts were so various in their nature, that no man could venture to say what extent the jurisdiction of many of them went, while with respect to some of them the jurisdiction was limited by a single parish. However, the bill before the House proposed to remove those evils by the establishment of a system perfectly new to the law of the country, and which, he trusted, never would form part of the law. He alluded to that part of the bill which would, in effect, establish a secret tribunal, and yet did not supply the means of accomplishing the object the promoters of the bill had in view. Such a provision as this did not appear in the original bill. Nevertheless, he could not bring himself to vote against the bill, because it gave an earnest of the reform of those evils to which he had adverted.

The Bishop of *Exeter* stated, that he had expected, as the noble and learned Lord on the Woolsack would have nothing to do with the bill, to hear one of the right rev. Prelates who supported the measure urge some arguments in favour of it. The effect of this bill was to extinguish the jurisdiction of the consistorial courts of Chester and all other consistorial courts in the province of York, except that of York itself. Now, by the returns which he had examined, he found that the comparative experience of the court of Chester was much greater than that of any other court; for instance, in the last ten years there had been four suits for correction tried there, whereas, during the same period, there was only one at York; and yet the former court was to be abolished. Then again the noble Earl objected to bishops acting as judges; but he could tell their Lordships, that bishops had been invested with the authority of judges by a higher tribunal than any House of Parliament; they had received their authority from the great Head of the Church; it was coeval with the establishment of Christianity upon the earth. He could also refer to the authority of an eminent English lawyer, Sir Matthew Hale, who stated that the bishops derived ecclesiastical jurisdiction from the law. Under this bill an innocent man had no chance of justice, whilst, at the same time, it tended to screen those who were guilty. He would suppose the case of an incumbent of one of those large livings amounting to some 5,000*l.* or 6,000*l.* a-year. If he were charged with some grave offence, he might go before his bishop, and say that he was willing to submit his case to his decision. The bishop might think his case so bad, that he would banish him from the parish, and allow him only a small pittance to support existence. Well, then, of the large revenue of the living the bishop would allow only 200*l.* a-year to the curate whom he might appoint to do the duties of the parish. What was to become of the revenue of the living? According to the bill, the parishioners who paid the tithes could derive no benefit from it beyond the services of the curate. The banished clergyman might, he would suppose, live forty years, during which time the revenues of the living might accumulate to 200,000*l.*, and how did the bill propose to dispose of this vast sum? Why, it said that it was to be applied to the "repairs and sustentation" of the Church and of the glebe and demesne lands. It might be very well to keep those in proper condition; but to say that 200,000*l.* should be applied for keeping up a house and glebe for a man with 200*l.* a-year was absurd. Indeed, he had never seen so much trash contained within the four corners of any bill. He contended that the bill, by giving the power to a layman, in the Court of Arches, to depose a clergyman from his orders, would suspend, *pro tem.*, the canons of the Church, and deprive it of one of its characteristics as a Church; for a deposition, like an excommunication, must be "by the just judgment of the Church," which could not apply to the judgment of a layman. Under all the circumstances, and after hearing the arguments which had been urged against it by the noble and learned Lord (Wynford), he did hope, that those noble Lords who had come down to vote for the third reading of the bill would vote against it. If their Lordships could give the bill a third reading, they had a better opinion of the judiciousness of the measure than he had.

The Duke of *Wellington* was sure their Lordships could not decide with propriety on the measure at that late hour of the night, after the speech which they had just heard, and would, therefore, under the circumstances, earnestly recommend to their Lordships to postpone the debate.

The Bishop of *London* said, the right rev. Prelate's arguments were not such as to require a very elaborate answer. He did not think it worth while to go into all the arguments he had adduced. The principle to which the right rev. Prelate objected so much, of a private hearing before the Bishop, was a principle contained in the bill of 1836. A clergyman's conduct might be such as to throw great scandal on the Church, and he was, by this bill, enabled to express his willingness to assent to the sentence which the bishop might pronounce on it, without any further proceedings against him. The intended effect of this clause was merely to give validity to such an arrangement. With regard to the case of a supposed accumuation of Church property, a case might come under the existing law, where a bishop sequestrated a living, he might, after having assigned whatever sum he pleased for the performance of the spiritual duties of the parish, dispose without control of the whole residue. He himself had so applied a residue of 1,000*l.* in assisting a poor clergyman's family. He contended, that since the Church had ceased to be an independent power, and had become connected with the State, the Legislature had a right to appoint what court it pleased to carry the judicial functions of the bishop into effect. On the subject of the excommunication of a bishop, an appeal might be made to the Court of Arches, which overset the whole theory of the right rev. Prelate. By the authority of Charles I., since approved of by many eminent divines, "the bishop was made subordinate to the civil power after the Church began to be connected with Christian princes where there was a jurisdiction." With regard to the severity upon the clergy which was charged upon this measure by the noble and learned Lord, it ought to be remembered, that the adoption of the process pointed out was perfectly voluntary, and the clergyman knew beforehand what he had to expect. He could not help also expressing his regret, that the noble Viscount (Canterbury) should have spoken of the bill as containing some features of harshness towards the clergy, for the object of the Committee had been not only to avoid everything like harshness, but to save the clergy from some inconveniences to which they were now subject; indeed, almost all the alterations made in Committee were intended in mitigation of the present law. Upon the whole, though there was not much chance of the bill getting through the other House this Session, still he was anxious that it should pass their Lordships' House in such a shape as might show the clergy and the country what their Lordships' Committee had deemed to be the most desirable provisions in a measure of this kind.

The House divided on the original motion: Contents 21; Not-Content 12: Majority 9.

Bill read a third time, and passed.

HOUSE OF COMMONS,

Thursday, July 25, 1839.

MINUTES.] Bills. Read a first time:—Slave Trade Treaties.—Read a second time:—Highways and Turnpike

Roads Returns; Dublin Police.—Read a third time:—Slave Trade (Portugal); Turnpike Tolls; Judges Lodgings; Soldiers Pensions.

Petitions presented. By Messrs. Grimsditch, and Easthope, from Gloucester, Norwich, and other places, against the Factories Bill including Silk Mills.—By Mr. Warburton, from three places, for a Uniform Penny Postage.

BANK OF IRELAND.] The *Chancellor of the Exchequer*, in moving that the Order of the Day for the House resolving itself into committee on the subject of the Bank of Ireland be now read, wished to ask the hon. Gentleman to withdraw the motion of which he had given notice, respecting an instruction to the committee. According to the strict rules of the House, those matters only could be moved as an instruction to the committee, which the committee itself was incompetent to perform without such instruction, but it was perfectly open to the hon. Gentleman to move in committee that of which he had given notice as an instruction. He did not wish to throw the slightest obstruction in the way of the hon. Gentleman, but he thought moving this instruction might be establishing an inconvenient precedent, and would not be in strict accordance with the regulations of the House.

Mr. *Hume* would agree to the proposition of the right hon. Gentleman. All he wanted was to have an opportunity of moving his resolution, which he would quite as willingly do in committee as before.

The *Speaker* thought it would be more in order to move the resolution in committee than by way of instruction.

Mr. *Warburton*: The great doubt was whether it was expedient to legislate on the subject this Session or not. If the House allowed the right hon. Gentleman to go into committee, it would be held, that they conceded the principle, that it was expedient to legislate during the present Session.

The *Chancellor of the Exchequer* said, that such a resolution could be quite as well considered in committee.

The House resolved itself into committee on the Acts relating to the Bank of Ireland.

The *Chancellor of the Exchequer* said, if the hon. Gentleman wished to bring forward his resolution in the first instance, he had no objection to such a mode of proceeding.

Mr. *Hume* rose, but was interrupted by Sir *R. Peel*, who was of opinion, that the hon. Gentleman could not be strictly in order in bringing forward the resolution now.

The *Chancellor of the Exchequer* was perfectly willing to give the hon. Gentleman a precedence.

Sir *R. Peel* thought it was desirable to adhere strictly to the forms of the House. Suppose the hon. Gentleman to succeed in carrying his resolution, then he would have to bring in a bill, and carry it through the House, to carry that resolution into effect.

Mr. *Hume* was only desirous, that the subject should be fully discussed—as to the manner of the discussion, he was in the hands of the House. He could only say, that the present course had been adopted after consultation with the right hon. Gentleman and the Speaker. If the statement he had to make could not bear examination after the speech of the right hon. Gentleman, it would be better that he did not make the statement at all. Therefore it was a matter of entire indifference to him whether he had precedence or not.

The *Chancellor of the Exchequer* was willing to adopt either course. [The House requiring the right hon. Gentleman to proceed he continued.]

I am about to introduce to the attention of the House a subject which I hope may be discussed exclusively on its own merits, and that no other subject will be mixed up with a question which involved the best interests of the public at large as connected with the trade of banking in Ireland. The mixing up of any other subject with the question in debate will not only be irrelevant, but will be calculated to withdraw the minds of hon. Members from the proper subject which is to form the question under discussion. The subject, I venture to say, is one of the most important that has ever been submitted to the consideration of Parliament. Not only important to Ireland, as I shall afterwards more particulary show, but important also to the best interests of England and Scotland, as will not only appear from theory but from the experience of the three last years. It is evident, that any system which tends to unsettle the circulation in Ireland reacts immediately on this country, and I appeal to every man present, more especially to those connected with the Bank of England, whether in times of difficulty and pressure some of the greatest difficulties with which they had to contend, and those which caused them the greatest effort to surmount, have not been difficulties connected with the circulation of Ireland; when it is considered there is in Ireland a large circulation, not only similar in other respects to the circulation of Great Britain, but comprehending a large circulation of small notes, payable on demand, at the places of issue, I think it is obvious on general principles, and also obvious from the experience of the last years, that if the system of banking introduced into Ireland tends to disturb the public credit, and to produce a demand for gold, the mischief will not be confined to that country, but will also be felt in England. Such has, in fact, been the result of the two or three late runs or panics. I wish to press this on the attention of hon. Members, not that I conceive they will be indifferent to this question because it is an Irish question; on the contrary, I should intreat their attention on Irish grounds also, but that I shall be prepared to prove, that in the settlement of the Irish question the best interests of England are also involved. It does not necessarily follow, that it is the interest either of England or of Ireland to acquiesce in my proposal, but I do say, that, in the proper settlement of the question, the interests of both countries are involved.

I shall now proceed to lay before the House a short history of the Bank of Ireland and of the other banking establishments in that country. The history of the Bank of Ireland is in some respects peculiar. It was established about the year 1782, and at that period it was looked to by the great mass of the people of Ireland with considerable anxiety, as an establishment likely to contribute largely to the improvement of that country. I will not trouble the House with an account of the legislation which took place on the subject between the years 1782 and 1797, but it is a remarkable circumstance which I may mention, that the suspension of cash payments in Ireland was never required by the state of the Bank of Ireland, nor asked for on account of Irish interests; the Bank of Ireland at that period being on the contrary perfectly stable, perfectly competent to carry on its own transactions; but it was in consequence of the derangement of the banking system here, leading to the bank restrictions of 1797, that the suspension of cash payments was rendered necessary in Ireland at that time. The Bank of Ireland was in no degree responsible for those transactions. The evils arose from what had been done in England. There was no imputation of misconduct on the part of the Bank of Ireland, no suggestion of over-trading, nor of any thing objectionable in its operations. Undoubtedly when the suspension of cash payments had taken place there was a very great extension of banking accommodation in Ireland, not only on the part of the Bank of Ireland, but on the part of various private banks then established; and in 1804 the great failure which took place in Connaught of Lord French's bank, and several other banks, caused ruin and dismay throughout a great portion of Ireland. In 1820, as the House is aware, private banks having considerably multiplied, no less than eleven failed in a few months, and the entire circulation of the south of Ireland, as well as other parts of Ireland, was annihilated by those failures. With the exception of three or four, there was not one bank which did not fail. The failures which then took place rendered a revision of the banking laws absolutely necessary. Under the government of Lord Liverpool a new system of banking was introduced into Ireland, and the first act which passed for the establishment of joint-stock banking led to the establishment of the Provincial Bank of Ireland. With that establishment it was my good fortune to be for many years connected. That establishment was formed on account of the want of banking accomodation felt throughout the country, the Bank of Ireland not having at that time taken any steps for the establishment of branches. Merchants living in other parts of Ireland were obliged to send commercial paper for discount to their correspondents in Dublin, it being a rule of the Bank of Ireland to discount Dublin paper only. The Dublin endorsers of course required remuneration for the risk they ran, and this with postage raised the rate of accommodation so high upon those who resided in the provinces as necessarily to lead to the establishment of a rival bank to the Bank of Ireland. Under the law, as it now stands, there are three, or I should rather say four, different descriptions of banks in Ireland. The first is the Bank of Ireland, which is a bank of issue and of deposit, with a power of carrying on its transactions in Dublin and throughout all Ireland, without restriction or restraint, save that of dating its notes from the places where they are issued, and paying them on demand in specie, at the place of issue. The next class of banks are joint-stock banks, not being banks of issue but banks of deposit, which were intended by law to have full power of carrying on all banking operations, save and except the issue of notes, and the acceptance and drawing of bills of a certain amount. These banks exercise their functions within as well as beyond the metropolitan circle of fifty miles round Dublin. In the next class are the joint-stock banks of issue, consisting of more than six partners, and carrying on their operations not in Dublin, or within the metropolitan circle, but throughout the rest of Ireland. These banks have the privilege of transacting unrestrictedly all banking business beyond the limits of that circle, and they possess not exactly by law but by sufferance, the power of having a house of business in Dublin, and of having their notes paid there. The fourth class of banks I mention merely to make the statement complete. It consists of private banks having less than six partners, and who have the unrestrained power of banking, both in Dublin and without the metropolitan circle. These are few in number, there being none beyond the metropolitan circle, and not more than three or four, if so many, within it. Of this class are the banks of Messrs. Latouche and Messrs. Ball.

I have now endeavoured to explain to the House the exact state of the law affecting these banks, but the practice under the law requires some further explanation. The main subject which will occupy the attention of the House this night is the Bank of Ireland. The Bank of Ireland has one central office in Dublin, and twenty-two agencies in the country. The Hibernian Joint-Stock Bank is a bank of deposit, and discount which does not issue notes in the metropolis. The Royal Bank of Ireland is likewise a bank which does not issue paper money in the metropolis. There are also three private banks in the metropolis. The Provincial bank is a bank of issue, with thirty-five branches. The National Bank is also a bank of issue, with thirty-six branches. The Belfast Banking company is a bank of issue, with twenty branches. The Ulster Bank has nine branches, and the Northern Banking Company has ten branches. These latter banks are all without the metropolitan circle of fifty miles from Dublin. The House will observe, that practically the banking business of Ireland is now carried on by the bank of Ireland in the metropolis, and in the provinces by the branches of that bank, and by the great joint-stock banks, having branches varying in number from ten to upwards of thirty. The Provincial Bank, was the first of the joint-stock banks, and for five or six years after its formation there was no other. The state of things I have described, therefore, has only been in full operation during the later years. That which now renders the interposition of Parliament necessary is the peculiar state of the law as affecting the Bank of Ireland. By the engagement which was entered into between the public and the Bank of Ireland, the existing exclusive privileges of that body, generally called their monopoly—a word which has excited considerable prejudice on the subject, but a prejudice which I trust a full and fair explanation may remove—the exclusive privileges of the Bank were to be continued to them until after the 1st day of January, 1838, when, on notice being given, and on paying the amount of debt which the public owed to them, those exclusive privileges were to cease altogether, leaving the trade in banking entirely free. The proposition which I am about to make is one to continue those exclusive privileges for a given time, and on certain specified conditions. The proposition which will be made by the hon. Member for Kilkenny is that, it is expedient that those exclusive privileges should altogether cease and determine, and that the trade of banking, both as affecting the issue of money and all other banking operations, should be left as perfectly free in Dublin as it is in Edinburgh. I believe I have stated accurately the object of the amendment about to be proposed. I admit that I am bound to show and prove the necessity of restrictions when arguing in their defence. But I think I shall be able to demonstrate that necessity, not only from the experience of this country, but on general principles applicable to this subject, and from the peculiar facts connected with banking business in Ireland.

In the first place I deny the applicability of the general principle of the freedom of trade to the question of making money. I deem it altogether erroneous that hon. Gentlemen should be carried away by the arguments of those who say, "We claim, on behalf of the public, on grounds of political economy, and on the general principles of freedom of trade, the unfettered power of issuing promissory notes used as a substitute for coin, passing from hand to hand, and payable on demand." If that principle were carried so far, it ought to be applied not only to allowing the creation of paper money to be perfectly free, but also to allowing the creation of metalic money to be equally free. To carry out fully the principle of freedom of trade on the subject of money, the principle of a national mint should be given up, and the power of coining should be left unfettered and open to be exercised by all. Indeed, if it were necessary or fitting on this occasion, I should be prepared to maintain what, perhaps, may appear paradoxical, that it might be more safe to leave the creation of coined money free, than to trust the trade in paper money, to the discretion of every individual. It is a sufficient answer, however, to any such theory, to look at the course of legislation which has been adopted by every country upon the face of the earth. Take our own statute-book—what have we done upon this subject? Are not our laws full of restraints upon the freedom of trade in this particular? What is the restriction of the issue of small notes? What is the restriction of the circulation of the Bank of England? Do not these provisions interfere with the freedom of trade? It is impossible to consider any one of these acts justifiable if the extravagant paradox can be maintained that the power of making paper money should be necessarily free. If, then, the question does not admit of discussion on the general principle of Free Trade let me discuss it on the principle of expediency. I am, indeed, reluctant to introduce into the consideration of this question, which merely refers to a limited period of time, the larger principles involved in the general question, but I must admit, that on my general theory, the question is wholly opposed to that of an unrestricted competition in the issue of bank notes. Without saying what course ought to be adopted in England or Ireland, where many rights and interests have grown up under the existing law which it would be unjust and unwise, if not impracticable to disturb, I will say, that if a system of banking were to be established for the first time in an entirely new country, where these rights and interests did not exist, I think the best system to adopt would be that of one central bank of issue, which should have the whole command of the currency. Of course, I do not mean to say that it would be expedient or practicable to introduce such a system in this country under existing circumstances, and I only lay down the abstract principle, in order to try whether the course proposed by me or that suggested by the hon. Member for Kilkenny comes nearer to the principles suggested by a sound theory. One argument which will, no doubt, be relied upon by the hon. Member for Kilkenny, will be the practice which prevails in Scotland of an unrestricted freedom in the issue of notes. The hon. Gentleman will excuse me if I express a doubt whether there is any analogy whatever between the state of banking in Scotland and the state of banking in Ireland. Any one at all practically conversant with the subject, must know that no two systems can be more strongly contrasted than the Scotch and Irish systems of banking. In the first place, look at the immense capital engaged in the banking trade in Scotland. I have not of course the means of knowing the precise amount except from the commonly received report, but I speak under the correction of those who have full means of information, when I say, that the funded property at the command of the Scotch banks, available under all circumstances, for the satisfaction of demands upon them, exceeds in an immense proportion; is five times, six times—perhaps ten times, as great as the whole of the capital engaged in the banking business in Ireland. Is not this, of itself, a just and legitimate ground of distinction between the systems of the two countries? I know that the hon. Member for Kilkenny will say, that this large amount of capital has been produced by the banking system of Scotland. That I altogether deny. A banking system is not the cause, but the consequence of improvement. If any one imagines that wealth can be produced in a country by manuring the land with bank notes, before large capital has arisen from other sources, he commits the greatest blunder that any one can commit, by mistaking the effect for the cause. I do not mean to undervalue the resources or capital of those engaged in banking in Ireland, but, comparing it with Scotland, it is remarkable that such is the confidence in the latter country arising from the immense wealth of the Scotch banks, or from other causes, that the proportion of gold which it is necessary to keep in Ireland, for a given amount of paper is as much greater than the amount necessary to keep in Scotland, as the capital of the Scottish banks is greater than that of the Irish banks. It has not happened within the memory of man, I believe, that there has been a continued run for gold upon the Scotch banks, the demands on which are adjusted and regulated by bills on London. But, on the other hand, there has been a series of runs on the banks in Ireland for gold, in the course of the last ten years, which has rendered it necessary for the Bank of England, upon whom the demand to supply specie ultimately fell, to supply for Ireland during that time an additional amount of gold greater than the whole amount of specie demanded for Scotland during that time. I speak under the correction of those who perhaps are better informed, but I believe the fact is so. If, therefore, it is found, that the capital possessed by the banks of Scotland exceeds in a great degree the capital of all the banks in Ireland, and if it is found, on the other hand, that the state of Ireland is such as to expose the banks there to a frequent and eager demand for gold, inconvenient both to themselves, and to this country, the circulation of which it disturbs in no common degree, it is in vain to tell me, that the case of Scotland should naturally or necessarily govern the case of Ireland. The House should judge of the case of Ireland upon its own merits without reference to the case of Scotland, which is likely to lead astray, by suggesting false analogies from a comparison between two countries which have no common measure. I repeat, that there is no common measure between the banking transactions of Ireland, and those of Scotland, because they are essentially and entirely different the one from the other (*Hear!*). I do not know how to interpret that cheer, for I do not believe it means assent on the part of my hon. Friend, but I will take upon myself to say, that with respect to the main fact to which I have alluded—the amount of capital, the demand for gold, and the tendency to panic and alarm—on these three points the state of Ireland is diametrically opposed to that of Scotland.

I have stated, that the banking business in Ireland has been, of late years, mainly conducted through the agency of the joint-stock banks, and of the Bank of Ireland. I wish to draw the attention of the House to certain facts connected with the question. I do not call upon them to vote for my resolution solely upon any arguments which I can adduce. I am about tender to them the evidence on which my case rests. The House will recollect, that a committee was appointed upon the subject of joint-stock banks, which sat for two successive years. The affairs of the Irish Bank were made matter of investigation by that committee. In the year 1837 the examination began. In the year 1838 it was resumed, and there was no proposition made for the production of any witnesses before that committee, which was negatived by the committee, nor were there any impediments thrown in the way of the investigation by the Bank of Ireland. The case was gone through and was attentively considered by that committee, and on the evidence collected by them, and now lying on the table, I rely as the justification of my motion. There were parties examined before the committee connected with the Bank of Ireland. The Governor of the Bank of Ireland was himself examined. Parties connected with the provincial bank were examined. Mr. Needham, the manager of the Royal Bank was examined. Mr. Mahony, formerly a Member of this House, a gentleman of very great professional experience, and who has given a great deal of attention to this branch of the law, was also examined. So was Mr. Pim, a gentleman connected with a private banking establishment, and one of the most intelligent and practical men of business whom it has ever been my lot to meet. Two Gentlemen, Mr. Callaghan and Mr. Dunne, were called over to speak generally of the inconveniences complained of, arising from the monopoly of the Bank of Ireland. They were examined at very great length. No other witnesses were offered to be brought forward. Consequently no other witnesses were produced, and the evidence was closed. No proposition or suggestion was made for taking further evidence; and, therefore, I feel myself entitled to say that, as far as the judgment of the House, and the Committee go, the evidence is complete, and we are now authorized to come to a decision upon it.

In order to make that evidence intelligible, I must take the liberty of adverting to some circumstances which occurred in the year 1836; otherwise, the nature of the complaint brought against the Bank of Ireland, and my argument in defence of a temporary continuance of its exclusive privileges will not be quite intelligible. Gentlemen will recollect, that at the close of the year 1836, a severe pressure was felt on the banking interests in both countries. The first manifestation of difficulty took place in Ireland, even before there was any serious pressure on the Bank of England. In dealing with this subject I must admit, because I wish to state the case with perfect fairness, that I do not think the conduct of the Bank of Ireland, at that period, was based upon prudent banking principles. They made one very great and serious mistake on that occasion. When the Bank of England raised the rate of discount, on every principle, that ought to have influenced the conduct of the Bank of Ireland, it would have been prudent on its part to raise the rate of interest on discounts of the same time. The Bank of Ireland did not do so, however, for a considerable time. So far as that step is concerned, I am not disposed to defend the course which the Bank of Ireland then took. I think it the duty of the Bank of Ireland, and every other bank dealing with the issue of paper, to keep a most vigilant eye upon the whole transactions of the Bank of England, the quarterly returns of their assets and liabilities, the state of the specie in their coffers, and the state of the foreign exchanges, and to regulate all their proceedings with reference to the transactions and returns of the Bank of England. The directors of the Bank of Ireland did not govern themselves according to those principles. It is very material for me to state the truth upon this point, because I mean to make use of it afterwards for the purpose of repelling some of the accusations made against the Bank. The main objection raised in Ireland on the part of those who wish to put an end to the exclusive privileges of the Bank was, not that it had pushed its issues too far, or that it had given accommodation in excess, but the attack was of an exactly contrary description. Those persons said, that the whole operations of commerce in Ireland were restricted by reason of the supposed monopoly, and that Dublin and the metropolitan circle suffered, not from an excess but from a deficiency of accommodation. Now, the only case in which I think there has been reason to complain of the conduct of the Bank of Ireland is one in which they gave, not too little accommodation, but too much. In fact the only real danger to the public from banking operations is from banks being tempted, in quest of inordinate profits, to extend their circulation too far, and thus to give an undue excitement to prices and an undue impulse to speculation. The public may rely upon this, that every bank will carry its business and will extend its issues as far as it can do so with safety, because it has a direct interest in putting out as much of its paper as it can circulate without danger. The public need not be afraid of a bank refusing accommodation, but it ought to be afraid of a bank going too far in that direction for the purpose of sending out its notes. However, the whole complaint, and the burthen of every argument against the Bank of Ireland, is founded on the presumption that the the directors will not discount in Dublin and the metropolitan circle as much sound and legitimate paper as they would be warranted in doing; but, on the contrary, that they have a disposition to starve and stint the circulation within that district. My charge against the Bank of Ireland, as I before stated, is, on the contrary, that during a period of pressure, it continued its discounts, when, from the proceedings of the Bank of England it ought to have contracted them. Upon this point the Bank of Ireland—or at least those persons connected with it who were examined before the committee—admitted that they were wrong. To return, however, to the narration of what happened in the year 1836. In that year the Agricultural and Commercial Bank, with which establishment the evidence taken before the Committee has made the House and the public familiar, ventured upon a very large issue of notes, embarking in the wildest speculations, taking the most improper means of extending its issues, doing the worst description of business, and creating an unnatural banking competition wholly unjustifiable from their resources, or upon the general principles of banking. This bank sustained a reverse, and was compelled to stop payment. Several of the other banks felt the pressure so severely that they were obliged to have recourse to the Bank of Ireland for assistance. All the banks in Ireland were obliged likewise to draw largely on their resources in this country. The National Bank remitted 200,000*l.* in gold from this country, and the other banks remitted 700,000*l.* in gold. All this necessarily disturbed the London money market, and aggravated the inconvenience which was there felt. It appears from the evidence that the conduct of the Bank of Ireland, on that occasion, towards other banks was entitled to every praise. It appears from the evidence that towards the assistance of the Belfast Banking Company it advanced 103,000*l.*; to the Ulster Banking Company 60,000*l.*; to the Hibernian 21,000*l.*; to the Agricultural Bank 19,600*l.*, and to the National Bank 42,600*l.*, making a total of 246,000*l.* These sums were advanced by the Bank of Ireland to assist their own competitors in trade. I rely upon these facts for two reasons—first, I wish to show to the House that the working of this supposed monopoly at that period was not prejudicial to the other banking interests, but that through the assistance of the Bank of Ireland the other banks obtained those resources which enabled them to meet the pressure upon them. I mean further to show from these facts that the same resources can be made available hereafter only by a continuance of the present exclusive privileges of the Bank of Ireland, and that if the House were to put an end to those privileges they would run the hazard of those great evils which have formerly been averted or mitigated through the instrumentality of the Bank of Ireland. Yet one of the witnesses before the committee, Mr. Dwyer, stated, and Mr. Callaghan asserted, that he thought the conduct of the Bank of Ireland on that occasion extremely liberal. They went further, and said that it was intended by the bank to break all their competitors in trade. Can the House imagine it possible that they were complained of for not doing that which there was distinct evidence to prove that they had done? Mr. Dwyer complained of their conduct in limiting accommodation. The bank with which he was connected, having received 21,000*l.* to meet their engagements, and the agent of the same bank in Galway having received on his own security the sum of 12,000*l.* more—nay, it was stated in the evidence that the Bank of Ireland offered the Agricultural Bank further accommodation if they could give bills on London. The Agricultural Bank frankly and honestly admitted that they could not give bills which they were sure would be accepted in London; but they tendered as perfect security for the advances which they required, their own promissory notes returned from circulation, and requested to receive gold, or notes convertible into gold, in exchange for this discredited paper. The Bank of Ireland most properly refused to make advances on such security, and a Gentleman comes before a Committee of this House, and declares that the Bank of Ireland acted towards its rivals with the intention of crashing them, or of cramping their operations. In contradiction to this, however, another witness—Mr. Mahony—not only unconnected with the Bank of Ireland, but connected with one of its rivals in trade, stated that, according to his information, there were but three banks that did not get assistance from the Bank of Ireland, and that the conduct of the Bank of Ireland was very liberal at that crisis. I have already shown, that its advances exceeded the sum of 240,000*l.*, either in gold, or paper exchangeable for gold, I will now call the attention of the House to the terms of the complaint of Mr. Callaghan, who says, in answer to question 1,170—

> "I think the Bank of Ireland at any time, at its greatest issue, did not give the accommodation to the public which it had a right to expect."

In answer to question 1,190, the same Gentleman says,

> "I think its capital ought to be for the accommodation of the public, when it could be safely given, instead of being tied up in the public funds."

Mr. Dunne said in answer to question 1,290,

> "The Bank of Ireland has not extended accommodation to the public in the way it ought and might have done."

To question 1,297,

> "Whenever a crisis came, as in the late panic, they acted with great illiberality."

And to question 1,422,

> "I do charge the Bank of Ireland with an intention of putting down all the other banks,"

So far from this being the case, as I have shewn on the evidence of Gentlemen connected with other banks, it is undeniably true, that all the banks, except three received assistance from the Bank of Ireland. At a time when the Bank of Ireland might have apprehended danger to itself, it parted with nearly 250,000*l.* to aid its rivals in trade. The charge has been repeated in a publication which has come from something like authority, complaining of the Bank of Ireland, and calling on the public to negative the proposition for an extension of the Bank charter. Will the House have the kindness to hear the charges brought against the Bank of Ireland in this pamphlet, which has been published on the renewal of its charter. It says—

> "In the midst of general impoverishment, public debility, and national convulsion, we find the Bank of Ireland consolidated, strengthened, and exalted. Often as discontent and insubordination have agitated and vexed the island, the Bank has always stood hale and pursy. The rebellion of 1798—the insurrection of 1803—the panics of 1810, 1820, 1825, 1836—the famines, too numerous to be recounted, and too horrid to be described, have encountered it, have swept by it, and left it stronger in resources, grosser in wealth, and more formidable in power than they found it. Crisis after crisis, convulsion upon convulsion, came on the devoted country; but the Bank has never been moved—never swerved in the slightest degree from its selfish centre. It has evidently had but one rule of action—to make money, and run no risks. All argument on this subject is superseded by the one strong fact, that the sum total of its bad debts since the day of its creation amounts only to 338,500*l.*"

[Mr. *O'Connell:* That is an anonymous authority.] I give it as such. I have a right to deal with it as an argument. Some of the witnesses against the Bank made more absurd statements. But what is the argument addressed to the public against the Bank of Ireland but this, that during all times of peril and danger it has been enabled to answer its engagements. Through crisis after crisis, famine after famine, and panic after panic, its notes have preserved their value. The argument against the bank is this — that it has steadily attended to its trade of making money, dealing as a banker should do. I say, that if a bank were to go on upon any other principles than those of dealing with their transactions as merchants, doing a safe business, and stopping when that business was not safe, so as to maintain their credit, and to keep their resources available they would not discharge their duty as bankers. This is the first time I have ever heard it charged against a commercial establishment that, in the course of fifty-three years, the fact of their not having made bad debts was a proof of their transactions being mismanaged. This is an argument so absurd in itself, that noticing it is sufficient. And here let me deal with the evidence of Mr. Ignatius Callaghan and Mr. Dunne, Gentlemen of whom I do not desire to speak with the slightest possible disrespect; but I am dealing with their opinions and evidence—and evidence of a more extraordinary character has never been given. Will the House believe it possible, that one of the complaints made by these Gentlemen was that the Bank of Ireland reserved a large proportion of their capital in the public funds as available assets to meet their engagements?—I must say, that a most curious series of answers was given by one of those Gentlemen, who showed that, however, respectable he was, and no doubt he was highly so, he knew as little about the principles of banking as about finding the longitude. Mr. Callaghan referred to the amount of the capital of the Bank of Ireland, and the amount that was invested in public securities, and he stated that the difference of two millions ought to be issued in increased discounts beyond the whole present circulation, thinking it better than that the capital of the bank should not be reserved in the public funds and in Exchequer bills, available to meet their engagements. Here were his own words:—

> "What is the proportion?—I would certainly keep a portion; for example, we will say, the Bank of Ireland has with the Government three millions; I think if I had a bank such as you suppose, having that proportion with the Government, I would devote the whole of my accommodation, as far as safety would warrant, to the public, instead of putting the money into the funds; the whole beyond that."

Was there ever a proposition such as this ventured upon by any man who was ever tendered as a witness on the subject of banking—namely, that the whole fund locked up with Government remaining untouched, all beyond that should be employed in discounts, for the accommodation of the inhabitants of Dublin, without a farthing being available as a security when a time of pressure came? What would be the consequence? Why, that in time of pressure the Bank of Ireland, as their resources would not be convertible, would not only be unable to meet their own engagements, but would also be unable to meet the wants of other banks, whom they might feel it their duty to assist. As this is the evidence to be relied on against me, I must ask the House, what can they think of the authority of any Gentleman who, when examined upon this subject, with reference to the rate of discount at which the Bank of Ireland was doing business in 1836, stated that he was not aware that the Bank of England discounted at a higher rate at that time. This Gentleman, who is to be relied upon as an authority in banking, stated that he was not aware of the fact, that the Bank of England had raised the rate of discount. I think this a most extraordinary instance of total and complete ignorance exhibited by a person who had taken upon himself to inform others. I will quote the evidence.

"My question refers to the period at which the Bank of Ireland was discounting at a lower rate than the Bank of England; do you consider that prudent or the reverse? I was not aware of one point you make, which is, that they were under the Bank of England in their discounts at the time."

I am now going to allude to another part of the evidence. With the same view, this Gentleman was asked about the account of the Bank, and whether it was necessary in balancing accounts to strike off bad debts and protested bills. He answered, that protested bills, to a very considerable extent, were quite as good as other bills; that it was true that merchants might suffer some degree of dishonour, if their bills were not paid; but he stated absolutely, in answer to question 1,244, that it was a very common thing with gentlemen of the first fortune to let their bills be protested; and therefore he assumed, in order to make his case good, that really there was no necessity for writing off protested bills; but he who himself objected to the public funds, and to deposits in the public funds told them that protested bills were extremely good things to have. [Mr. *Hume* read the question and answer.] I will undoubtedly, if it is desired.

"You seem, in the previous part of your evidence, to have placed little reliance on the fact of bills being protested, that many of your protested bills were as valuable as those which were not so; is that so?—What I meant to convey was, that in making out an account (we will suppose protested bills 5,000*l.* or 6,000*l.*), we never had so much protested bills in hand that we did not know, as certainly as we know the solvency of a bank note, that a great number of them were good. It is a common thing with many gentlemen of the first fortune to let bills be protested."

I think I am entitled to say, that such testimony as this is not entitled to any very great weight. In the next question he certainly stated, that a mercantile person's bill being protested would be fatal to his character, but the whole of the former question applied to protested bills.

The real question the House will have to decide, and that which, after all, is is the main and practical question, is, whether it is or is not expedient to preserve the exclusive issue of bank paper, payable on demand, in the hands of the Bank of Ireland, in Dublin, and the metropolitan circle? I shall refer again to the evidence, not evidence connected with the Bank of Ireland, but evidence connected with its opponents. One of the points pressed upon in Committee was as to what would have been the effect of an unlimited competition in the issue of paper in Dublin and the metropolitan circle during the period of distress in 1836. Mr. Pim, being examined, said, that if all the great banking establishments had had houses of issue in the metropolis in 1836, the embarrassment would have been considerably increased, greatly increased. [Mr. *O'Connell* read the question.] The question is as follows:

"What do you think would have been the state of commercial affairs in Dublin at that period, if all the various banking establishments, the Provincial, National, Agricultural, and Northern Banks had had houses of issue in the metropolis?—I think their embarrassments would have been considerably increased, greatly increased."

This was the answer; and it was exactly as I had before stated it. If hon. Gentlemen will refer to question 4,112, they will find the evidence of Mr. Mahony, who was formerly an opponent of the Bank of Ireland. The following question was put to that gentleman:

"Having described the state of the law with respect to keeping houses of business in Dublin, on the part of joint-stock banks, what do you think would have been the effect in the commercial crisis which occurred in the month of November last, had the existing joint-stock banks generally had houses of business established in Dublin, not only for banking business but for the actual issue of paper?—It would, certainly, under the system they were then carrying on, have increased their power of being mischievous, if they had those establishments in Dublin as elsewhere; they would then of course have partaken in the issue of the Bank of Ireland, as far as their connection and influence could have extended; and having, as in the case of the Agricultural Bank, mismanaged their issues, of course they would have had a greater power of mismanagement if they had had those establishments in Dublin."

The next person to whose evidence I shall refer, is Mr. Pim again. In answer to question 500, he stated, that if everything was kept within the proper limits, the panics would not arise. I will read the whole.

"Your opinion, then, is founded on a state of facts, which you would conceive might very probably be shown to be misconduct, but with prudent conduct, and proper banking principles, the issue in Dublin would be no more dangerous than the issue in the country, kept within its proper limits?—Why, I do not see that the Bank of Ireland sustained any difficulty, from having any issue in Dublin as well as in the country. If every thing of the kind be kept within the proper limits, the panics will not arise; but the great difficulty, in cases of this kind is, how to assign those limits, and that if you afford to parties having a very extensive branch bank establishment over every part of the country, the facility of an unrestricted issue of notes in Dublin, and subject them to the competition which must arise in Dublin from all parties being allowed so to issue notes, I greatly fear the consequence would be, in a time of pressure, to increase the difficulties of the parties in Dublin."

Again, question 500, which was put by the right hon. Bart., the Member for Pembroke, is as follows:—

"Bringing within the metropolitan limits, now exclusively assigned to the Bank of Ireland, such as exist without those limits, what do you think would be the effect; would it be salutary or injurious?—I think that if there was no other restraint than exists in other parts of Ireland, and that we have no check to the increase of the numbers by the better management of banks, I should greatly prefer seeing the monopoly of the Bank of Ireland continued in Dublin, than throwing open the issue of notes to all parties without restriction."

"You would be afraid to trust to the restraint arising from the competition of rival establishments, and the rapid returns of the issue of notes?—Yes, I would."

Such is the evidence of a banker of Dublin, not only unconnected with the Bank of Ireland, but directly connected with a a rival and antagonist in trade; his evidence, therefore, is quite unexceptionable in respect of interest. There is one word which I wish the hon. Member for Kilkenny would bear in mind in discussing this question—a word of wisdom contained in Mr. Pim's answer to the question 515, where he stated that it was not so much of free trade in banking that he was afraid as of free trade in making money. I am not more afraid than Mr. Pim of a free trade in banking, and my proposition will give great freedom in banking; but I am afraid of a free trade in making money. The question 521 and the answer of the same gentleman are as follow:—

"Is it not almost certain that there would be that tendency among banks issuing in competition simultaneously at periods of commercial prosperity and consequent excitement on a rise of prices?—I think the temptation to an over-issue would be greatly increased by their all having establishments in Dublin."

I think I am entitled, after this, in contrasting the evidence of Mr. Pim, with that of Mr. Callaghan and Mr. Dunne, to state, that it would be dangerous to grant an unrestricted competition in issuing notes within Dublin and the metropolitan circle.

There was one other witness, Mr. Needham, who was connected with the Royal Bank of Ireland, a rival in trade of the Bank of Ireland, which, though not a bank of issue, received deposits and transacted all the other business of banking. Question 1,674, and Mr. Needham's reply is as follows:—

"Supposing that in the month of October 1836, all the joint-stock banks of Ireland had possessed and exercised the privilege of issuing notes in Dublin and the metropolitan district, do you consider that the pressure upon the metropolis would have been other or greater than it was when that crisis occurred? My conception is that it would have been greater."

That was the answer. Again to question 1,677, the reply was as follow:—

"Do you consider that the exclusive privilege of issue which is now enjoyed by the Bank of Ireland, gives to that Bank any injurious monopoly within Dublin and the metropolitan district?—I do not conceive that it does."

Mr. Needham further stated, in answer to question 1,684, that the Royal Bank would not consider it desirable to avail themselves of the privilege of issuing notes if it were conceded to them. This, be it recollected, is the testimony of an opponent of the Bank of Ireland. I shall now refer to the evidence of Mr. Marshall, the very intelligent and able secretary of the Provincial Bank of Ireland. He was asked question 4,486,

> "If the joint-stock banks of Ireland had been authorised by law to issue notes in Dublin as well as in the provinces, do you think the commercial pressure would have been greater or less than it was?—Had they carried on all manner of banking business in Dublin and issued their own notes, I should have been disposed to say the pressure on some of these banks might have been greater."

How, then, stands the case as to evidence? The public had gone through a trial of a time of pressure under the existing law, and we have found by the evidence of Messrs. Pim, Needham, and Marshall, that the pressure during that time of difficulty would have been infinitely greater had the issue of notes in Dublin been unrestricted. Consequently, if we were now to make the trade in banking free within the metropolitan circle, at any other time of pressure that might recur, we should find that pressure greatly augmented. if we are to believe the evidence of these practical men, men who are not strangers or theorists, but who, on the contrary, are conversant with all the details of banking, and especially with banking in Ireland. But the case does not rest here. Some may say that a time of pressure is a contingent evil; some may be sanguine enough to hope, "that no panics will arise and no difficulties will hereafter exist; or, at all events, that the inhabitants of Dublin and the metropolitan circle ought not to suffer inconvenience, because there may arise a future panic or a disturbance of the monetary system. Now, what is this inconvenience? Is it a want of accommodation? How stands the case? It is in evidence, and I need not refer to the evidence, because it is quite notorious, that in Dublin and the metropolitan circle, the rate of money accommodation is lower and cheaper than it is in the provinces, with the competition of all these different banks—if, then, the rate of money, the value of money, be lower in Dublin and the metropolitan circle, how can it be contended that any kind of restriction is imposed on the commercial classes there? But to go further. The private banks in Dublin have now full power of issuing notes. Some of those private banks are in high credit. There is no bank in higher credit than that of Latouche and Co., and the bank of Ball and Co. is also in high credit. Do they issue paper? Those banks, both of them, formerly did; that of Ball and Co, to a considerable extent, and that of Latouche and Co. also; but of these one has wholly discontinued, and the other has contracted its issues of paper. Why have they done this? If the monopoly of the Bank of Ireland made the issue of paper profitable to the issuer, then private banks, being in the possession of great resources, being unrestrained by any law, and in full possession of the privilege, so far from giving up that part of their business, would, under the supposition that it was profitable, have continued and extended it. In place of having done so, they have, as I stated already, given up that branch of business.

It was stated by the governor of the Bank of Ireland, that there was a lower rate of discount charged in Dublin than in the provinces. The argument is, that this monopoly is unwise, because it is said, the people have to pay more in Dublin for their Banking accommodation. But is this the case in point of fact? There are two parts of Ireland, the one the district beyond the metropolitan circle, where there exists a competition of issuing banks; the other Dublin, and the metropolitan circle, where what is termed the Bank of Ireland monopoly prevails. If the people suffered from this monopoly, the price of the value of money would be greater where the monopoly existed, than where there was a free competition. But the very reverse is the case, for in the metropolitan circle the value of money is lower than in the provinces. This appears from the evidence of Mr. Wilson; and it was also admitted by Messrs. Callaghan and Dunne, that money is cheaper in Dublin than in other parts of Ireland. In answer to question 1420 they admitted, that the exclusive privilege of the Bank of Ireland had no effect in raising the rate of discount to the people of Dublin; and again, in answer to Question 1476, those Gentlemen stated, that the accommodation afforded by the other banks in Dublin was far beyond what the Bank of Ireland afforded. Why, if the other banks gave greater accommodation, the Bank of Ireland can not be held to possess any banking monopoly. The two things are inconsistent. The low rate of discount in 1836 in Dublin and the metropolitan circle, when it was kept much below what prudence or interest, as I think, would justify, shows that it was not from any deficiency of money accommodation that the public had sustained any loss.

I will next point out the great danger, the imminent danger, that would arise from granting in the metropolitan district unlimited competition. I will take upon myself to say, with some practical knowledge on this subject, having been for nearly ten years of my life conversant with the first joint stock bank established in Ireland, that no greater peril or danger can be introduced into the money concerns of any country, than that which would be introduced into Ireland, if we were to abrogate the privilege of the Bank of Ireland, and allow an unlimited issue of notes within the metropolitan district. I will state my reasons for so saying. The banks of Ireland are somewhat peculiar. They carry on their business through the medium of many branches, extending from Cork to Londonderry, from Galway to Belfast; in fact, these branches are established in all directions except within the the metropolitan circle. I take upon myself to assert, that in order to preserve in safety so very large a system of branch banking, it is absolutely necessary, with a view to their own safety, that there should be within the city of Dublin a central agency acting on the part of those banks, whose duty would be exclusively the regulation of those branches—the supplying of gold when it was wanted—the transfer of specie from those branches where there was a surplus to those where there was a deficiency, the examination of bills of exchange, and the negociation of public and private securities; in fact, the regulation of the different branches, having the attention of the agent confined exclusively to this important duty. The mode of performing this is at present as follows:—These great banks have a house of business or of agency in Dublin, to which the directors remit from London and from the branches available securities for collection or negociation. The agent in Dublin receives regular reports from the branches; and if there should appear any deficiency at one of the branches, he is bound to be prepared to assist it, and to supply adequate means, having available securities in his possession, and having to operate at a a central point of rest and repose. But if, together with the demand from the branches, the agent were also to be subject to a demand on account of a large issue of paper within the metropolitan district, it would be utterly impossible and impracticable, as I conceive, that his transactions could be carried on with any safety whatever. It would be utterly impossible for them at once to make provision for their whole metropolitan circulation, and also to make provision for the supply of the branches in cases of deficiency. I therefore venture to say, that it would be perfectly inconsistent with the safety of the existing system of banking in Ireland, to allow this unlimited power; and if I may tender myself as an evidence on this occasion, I would say, that if the bank with which I was connected for several years had enjoyed a power by law of issuing paper within the metropolitan district, the very instant they were so reckless and daring as to exercise such a power, that very instant I should have felt it to be a matter of prudence to retire. As to the banks themselves, I believe it would injure their credit in Ireland if they were allowed to be responsible for a metropolitan circulation. I find this admitted by Mr. Pim, in his answer to question 377, where he states that the difficulties of managing banks are prodigiously increased by the number of branches they had established, and this not in a mere numerical ratio to the number of those branches, but in much higher proportion; and that with respect to the Provincial Bank, if they had not a house of agency in Dublin to look after their affairs, in a way that would be inconsistent with a bank of issue. He did not believe that they would be able to meet their engagements unassisted, in the same satisfactory manner that they had done.

I have thus endeavoured to show, that the principles of free trade did not apply to banking; I have also endeavoured to prove from experience, that in times of panic the difficulties would be much increased by allowing a competition of issuing banks in Dublin and the metropolitan circle, and I have endeavoured also to prove, from the best evidence in my power, that even in ordinary times this competition of issue would be inconsistent with the present principles of banking in Ireland; and I have done this by the testimony of witnesses, whom I prefer; because unconnected with the Bank of Ireland, and who, indeed, many of them, are connected with establishments which are its direct rivals in trade. I call upon the House, therefore, to continue for a time, and under the provisions which I shall explain to the House, the monopoly of issue, or rather the privilege of the Bank of Ireland, as it at present exists. The Bank of Ireland paper, has never been, in the memory of man, since its issue, subject to a moment of discredit. [Mr. *Hume*: It had suspended cash payments.] The hon. Member for Kilkenny says, that they suspended cash payments. It is true, they did so when they were compelled by law and by the British minister, but they were not required to do so for their own protection. From the time of the restoration of cash payments it has been proved upon the evidence of all the witnesses who have been examined, that never has there been a single instance in which the paper of the Bank of Ireland was subject to discredit; and the best proof of this is, that in 1836, when the pressure was most severe on all the other banks, when all, except three, had to apply for assistance to the Bank of Ireland, and when they had, at the same time, to import a million and a half of specie from this country, the Bank of Ireland was only required to pay 20,000*l.* in exchange for its own paper, and that at a period when it had advanced 200,000*l.* in aid of the other banks. This is a strong proof that the Bank of Ireland has never been subjected to any discredit whatever.

I shall now proceed to explain the nature of the agreement which I propose to make between the Government and the bank; and, in bringing it before the House, I beg to say, that I have not felt myself at liberty to contract any engagement with the Bank of Ireland, but have left the subject perfectly free till I had submitted it to the consideration of Parliament, thinking that it would be more respectful to the House, and more just, not to enter into any binding negociations, as had formerly been generally done, nor to conclude any agreement upon the subject, till the House had the whole matter brought before them. Therefore, in the bill which I hope to be enabled to introduce, in place of reciting an agreement already made with the Bank of Ireland, I shall leave a blank for the insertion of it, as the matter can only be brought under the consideration of the directorsof the Bank of Ireland after the House has decided upon the subject. In the first instance, the time for which the agreement is proposed to be made is important. I propose an agreement, by which the charter of the Bank of Ireland shall be renewed for the same period as that to which the Bank of England charter was renewed; namely, an agreement absolute till the year 1844, and liable to be continued for an additional term of ten years; I think it of very great importance that the affairs of the two banks should be considered and disposed of at the same time. The great question of a central Bank of issue must be seriously discussed. I will not now express an opinion, not being called upon to express my opinion incidentally on the whole banking question, an opinion which would raise the question of one sole central bank of issue, regulated by sound and defined laws, and restrained within positive limits, as to its action upon the circulation and the exchanges, but the House will feel this to be one of the most important questions that can possibly be considered in Parliament; I will not, as I said before, express any opinion upon this question, but supposing that the House should be called upon in the year 1844 to affirm an opinion on this subject, it would be unwise and inexpedient to tie up the hands of Parliament, with respect to the Bank of Ireland, and thus prevent them from applying cotemporaneously to Ireland whatever principles were adopted in England for the improvement of the banking system. I, therefore, propose, upon grounds which I hope will be clear and satisfactory to the House and the public, to make the period of the renewal of the charter to the Bank of Ireland the same as that of the Bank of England. Next, as to the limits within which I proposed to continue the exclusive right of issue, secured by the Bank of Ireland charter. Upon this subject I am fully aware that I have the misfortune of differing from many of my countrymen. Between myself and the Bank of Ireland individually there exist no peculiar interest. I can feel no interest whatever in that corporation, except so far as it is connected with the public service. I am aware that the proposition I am about to make will be objected to by very many of those Gentlemen who are in the habit of supporting the present Government. I am aware, that it will be unpopular to a certain extent, but unpopular, I believe, because it is mistaken and misunderstood. But making this proposition with a knowledge of the opposition of my friends, it is at least a pledge that I make it with sincerity; and I may appeal to those hon. Gentlemen who may differ from me, whether a different course would not be more agreeable to my own wishes, if whether it would not have been much more convenient if I could have acceded to the strongly expressed wishes of many Gentlemen; but believing, as I do, that it is not the interest of the Government only, nor the interest of the banks merely, but the interests of the whole commercial community which are involved in this question, I am prepared to hazard any opposition, or misinterpretation, or the loss of that support with which I am threatened, in the pursuit of an object which I believe a right one, and having performed my duty, I will leave the matter to the decision of the House. I am therefore not prepared to propose any alteration in the circle within which the monopoly of issue now exists. I will tell the House why I will not do so. I will assume that the monopoly of an exclusive issue within the metropolis is absolutely necessary for the security of the circulation of Ireland. If that be conceded, there must be a circle drawn somewhere without Dublin, as the limit of this exclusive issue. Where is that circle to be? I will ask, whether any alteration of the circle would give satisfaction, if it involved the exclusion of the town of Drogheda from the metropolitan circle? Now let me explain what the effect of that exclusion would be. I am not now arguing with those who contend for a free trade in banking; they would be opposed to any restriction; I am addressing myself to those who think that there ought to be an exclusive issue of notes in Dublin, and who yet doubt whether that exclusive issue could not be preserved while giving a free trade of making money to Drogheda. Drogheda is distant between twenty-five and thirty miles from Dublin, and if the House allows a joint-stock bank of issue to be established there, how can they hope to preserve the exclusive issue for Dublin in the hands of the Bank of Ireland. If there were a bank of issue at Drogheda, with railway and other rapid conveyances, nothing on earth could prevent any non-issuing bank, or merchant, or trader in Dublin from at once going to that bank and obtaining 50,000*l*., or any other sum, in promissory notes, returning to Dublin, issuing them there, and thus breaking down the monopoly of the issue in Dublin. It is utterly impossible to preserve an exclusive circulation within the metropolitan circle if Parliament allows the power of making money to exist within twenty-five or thirty miles of Dublin. I cannot, therefore, yield on that point.

I shall now proceed to state the pecuniary terms of the arrangement which I propose to carry into effect. On a former occasion when we discussed this subject, my hon. Friend, the Member for Kilkenny, reproached me with the amount of money which the Bank of Ireland received from the public. What, then, do they receive? There is a capital sum of 1,015,000*l*., for which the public pay five per cent.; there is also a capital of 1,615,000*l*., for which the public pay four cent.; in other words, for the use of a capital of 2,630,000*l*. the public pay an annual sum of 115,000*l*. If the two sums were equally balanced, the rate of charge would be somewhat less than 4½ per cent. [Mr. *O'Connell: 4l. 7s. 6d.*] Nothing can be more obvious than that this charge; is excessive. I propose in the bill I ask leave to introduce, in lieu of that rate of 4 *l*. 7*s*. 6*d*., to reduce the charge of this debt to 3½ per cent., which will effect a considerable saving to the public, to the extent of about 23,000*l*. per annum. Perhaps, it might be said, the sum they receive is still too much. [Mr. *Hume:* hear.] Is it? Will hon. Gentlemen secure me, if I go into the market to-morrow, that I shall be able to pay off nearly 3,000,000*l*., considering the present value of money, upon such advantageous terms? Let hon. Gentlemen compare my operations under the most favourable circumstances—let them look, for instance, at the price I paid for the West-India loan, and they must agree with me that the present arrangement will be most advantageous for the public. But I have a right also to take into the account the services which the Bank of Ireland render. The Bank of Ireland execute the whole expense of our funded operations in Ireland without charge to the public. The Bank of England, on the last renewal of the charter, made a reduction of 120,000*l*. in its annual charge, but we still pay a considerable sum for the management of our affairs to that corporation. The whole of of the Government business in Ireland, however, is transacted by the Bank of Ireland without any charge whatever; although, in addition to the operations conducted by the Bank of England, the Bank of Ireland also remits the revenue from the provinces to Dublin, from Dublin to London.

Mr. *O'Connell* inquired what amount of expense was occasioned to the Bank of Ireland by the management of the public debt?

The *Chancellor of the Exchequer:* The Bank of Ireland employ an establishment of forty-two persons, at salaries in one department of 17,000*l.* per annum, and in another at 7,000*l.*; so that the expense amounts to between 20,000*l.* and 30,000*l.*, independent of the charge paid for remittances. [Mr. *O'Connell:* What is the state of the balances?] In former times, the balances of public money in the Bank were very considerable. In 1814 and 1815, when at the *maximum*, they amounted to upwards of 2,100,000*l.*, but of late years, since the establishment of the new system of exchequer, in which the object of Government was to prevent any accumulation of balances, and to bring all public money to account with as great rapidity as possible, the balances have been reduced more than one-half. In 1814 they amounted, as I have stated, to 2,100,000*l.*; in 1815, to 2,066,000*l.*; in 1837, to 933,000*l.*; and in 1838, to 977,000*l.* There is another transaction which I must bring under the consideration of the House. Hon. Members are aware, that a short time since a sum of 900,000*l.* was raised by Exchequer-bills for the payment of Irish tithes. They were advanced as a loan, and the terms of the Act of Parliament prescribed repayment. I and the other Members of the Government contended at the time that it was but just the loan should be repaid; but the House, of its own generosity, notwithstanding the resistance of the Government, thought proper to remit the whole. But those Exchequer-bills remain outstanding. By the conditions of the Act, the Bank of Ireland is authorized to make advances on them; the Bank of Ireland now holds the Exchequer-bills; they have not entered into the market. I, therefore, propose, as part of the arrangement, to take a power to fund the amount of Exchequer-bills, by creating stock to the amount of their value transferring it to the Bank of Ireland, the effect of this would be to cancel that amount of the unfunded debt without any expense or payment of premium on the Exchequer-bills. This would obviously be an advantageous arrangement for the public.

I have now stated the nature of the transaction between the Bank of Ireland and the Government; but a question as to the pecuniary arrangement still remains. Under an old Act of Parliament, an annual sum of 2,000*l.* was charged on the Bank of Ireland towards the payment of certain offices of the Court of Chancery; but as these offices have since been abolished, I propose to relieve the Bank henceforward from that payment. It may be interesting to the House to know, in passing, that the Bank of Ireland, to its great merit, has taken such pains in the improvement of its notes as a medium of circulation, that forgery is scarcely known; within four years, notwithstanding the very large circulation of the Bank of Ireland, losses by the forgery of its notes have not exceeded 754*l.*

Having stated the arrangement I propose to make with the Bank of Ireland, I come now in conclusion to what is by far the most gratifying part of the duty assigned to me. The plan I propose would be accompanied by measures tending greatly to the relief of the general banking interest of Ireland. Great as were the casualties of 1836, and great as was the proved misconduct of the agricultural and commercial Bank of Ireland, the pressure on the banks at that period has afforded the best possible evidence of the solidity of the principle of joint-stock banks, when well-managed. No system has ever been brought to a more severe trial than the system of joint-stock banks in Ireland in 1836; and the experience of that period has undeniably proved, that if conducted prudentially, and managed by men of business, the system is capable of the most useful application. Having felt myself compelled to retain for the Bank of Ireland, within the metropolitan circle, certain privileges, the extension of which I feel would be inconsistent and irreconcileable with the public interests, it has been my duty to consider whether certain other benefits could not be cotemporaneously given to joint-stock banks in Ireland. The non-issuing banks in Ireland are now subject to great disadvantages. They have not a power of appointing, like other joint-stock banks, a person through whom to sue and be sued; they have not the power of registering their shareholders, and are driven to appoint trustees for the conduct of their business. I propose that they shall have all those privileges. They will stand in Dublin perfectly free to receive deposits, to take accounts, and conduct business, only they will not be allowed to issue promissory notes payable on demand. Next, as to the joint-stock banks of issue. At present, under a species of connivance or sufferance, they may have houses of business in Dublin; I propose that Parliament shall now grant to them the right to establish houses in Dublin for the regulation of their affairs, and the conduct of their business. I propose to give them further, the power of drawing and accepting bills, and engaging in that respect in the business of remittance and exchange; but in order to preserve exclusive issue in the metropolis, I must place some limit upon that power. With the view, therefore, whilst giving the full means of issuing bills of exchange for the purpose of remittance, of doing so in a manner which could not interfere with the circulation, the limit I propose is 10*l.* in value, and ten days to run. I intend to impose on the bank of Ireland the obligation of making a return of its liabilities and assets in the manner prescribed to the Bank of England. I think it would be very creditable to the other great banks of circulation in Ireland to make similar returns, but at the present moment, not being prepared to go into the general law for the regulation of joint-stock banks, I do not think it would be fair to impose that on the joint-stock banks of Ireland, without at the same time imposing it on the joint-stock banks of England. But as we are preserving for a certain time the exclusive privilege of issue to the bank of Ireland, the House has a right to require from that establishment some information with respect to its transactions. Let it not be said that the results of these measures will be to keep up the monopoly of banking business. With the exception of the restriction of issue within the metropolitan district, banking in Ireland will be entirely free. Of all countries, Ireland is the last to be trifled with as to banking accommodation. No country has suffered so severely or to such an extent from bad systems of banking, and the poorer classes, the small farmers invariably, are the chief sufferers. If Parliament does anything to excite speculation, or encourage over-issue, the most fatal consequences must be the result. I have seen, under the old system, notes in Ireland issued of so low a value as 1*s.* 6*d.*, 3*d.*, and even 1½*d.*; I have seen checks unaccepted, and yet in circulation through the country; I have seen notes payable so many days after date without a date; and notes payable at sight without acceptance. This led, of course, to the absolute ruin of the poorer classes. If any one refers to the evidence upon this subject —especially in connexion with the Provident Bank, established by Mr. Mooney, the Southern Bank, and the whole proceedings of the Agricultural and Commercial Bank of Ireland—he will find the dangerous state of things I describe is not confined to the former system. Do not let it be said that security of ultimale payment is every thing; it is not a universal *panacea;* mismanagement must be guarded against. Though banks may ultimately pay 20*s.* in the pound, its customers may be ruined by delay of payment. Nothing will tend more to the revival of the old system than allowing within the metropolitan circle an unlimited competition of paper money. I know that it is popular to say, "Give us freedom of trade—we want no monopoly—all we demand is competition." That, in my opinion, is not a sound way of treating the question; that will not, in my opinion, lead to a sound system of banking. When I show what has been the effect of competition in banking in Ireland—when I show that in the metropolitan district there has been no practical disadvantage felt in consequence of the present system—when I show that competition will affect the circulation of a bank which hitherto has never been discredited—and when I likewise show, that unlimited competition has formerly led to speculation and over-trading, I think that I have shown sufficient to prove, that the adoption of such an unrestricted mode of banking would hazard the security of all commercial transactions in Ireland. I have already stated what my first resolution is. I will now state the substance of my second. I propose, under provision similar to those contained in the Savings-banks Act, to give stock to the Bank of Ireland for the Exchequer-bills it holds at the average price of the quarterly purchases for the last quarter. I conceive, that without any derangement of the money-market I can give to the Bank of Ireland for the 900,000*l.* of Exchequer-bills which it now holds, a proportional quantity of stock, calculating it at the average price of stocks for the last quarter. I believe that I have now made all the observations which I deem necessary on the subject, and I shall, therefore, conclude by moving my first resolution:—

"That it is expedient to continue for a limited period to the Governors and Company of the Bank of Ireland certain of the privileges now vested by law in that corporation, subject to such conditions as may be provided by any act to be passed for the purpose in the present Session of Parliament."

I will also read my second resolution, which is:—

"That the Governor and Company of the Bank of Ireland shall be entitled for all Exchequer-bills (being bills issued in pursuance of two acts for the relief of the owners of tithes, and for abolishing compositions for tithes in Ireland, and not exceeding in the whole 900,000*l*) which shall be delivered up by them to be cancelled, to receive for the same. and for the interest due thereon, such an amount of 3*l.* per cent. Consolidated or Reduced Annuities, as the said Exchequer-bills and interest would have purchased if the same had been applied in the purchase of such annuities, estimated at the quarterly average price at which the said Annuities might have been purchased in the quarter in which the said Exchequer-bills shall be delivered up to be cancelled."

Mr. *Hume* would not address himself to the latter resolution, unless the Committee agreed to the first: for if the Committee agreed to the first, which he thought that it ought not to do, a better occasion than the present would be offered him hereafter for discussing the second. He should address himself to the subject generally which the right hon. Gentleman had brought before the Committee; and he should commence by stating that he had not heard any, the slightest reason why he should agree to this first resolution. He agreed, however, with the right hon. Gentleman—that the subject was of great importance, not only to the people of Ireland, but also to the people of England; and he complained that being, as it undoubtedly was, a subject of great importance, it had, after an inquiry protracted over the long space of three years, been brought on at the very last period of the Session. He complained of it, because having trusted in the representation that it would be brought in soon after the meeting of Parliament, he had been deluded into suffering the subject to be postponed till now, when it was almost too late to deal effectually with it. With respect to the Irish joint-stock banks, he thought that they had good ground for complaining that her Majesty's Ministers had proceeded in this very dilatory manner. He held in his hand a copy of the correspondence which had taken place between Lord Melbourne and a committee of joint-stock banks on this subject. That committee had waited upon Lord Melbourne in November, 1838, for the purpose of ascertaining from him what measures he intended to take with respect to the Bank of Ireland. That committee reported, that from Lord Melbourne no answer whatever could then be obtained. In January, 1839, the same committee addressed a letter to her Majesty's Government, pressing it to do something upon the subject, and to inform them what that something was to be. To that letter no answer was returned. On the 30th of April, 1839, the same Committee addressed another letter with the same request to her Majesty's Government, but to the letter also no answer was returned. On the 17th of June the same committee addressed to the same parties a similar letter; and that letter led to an interview between Lord Melbourne and the parties, in which the leading features of the present plan were communicated to them. Besides the inconvenience occasioned to the parties most interested in this matter by this delay, he could show that it had placed the country in the position of being obliged now to fund this loan of 900,000*l.*, which had been referred to at a great disadvantage. This would be self-evident when he stated that in January stock was at 101½, whereas it was now at 92, leaving a clear loss of the difference between these two prices, multiplied by the amount required to be funded. The right hon. Gentleman had not stated one word to show why the system which had operated so beneficially in Scotland should not be introduced into Ireland. No less than six different modes of regulating the circulating medium existed in the United Kingdom; and the distress and difficulty arising from our monetary system were caused by the monopolies which were given to particular parties, and which enabled them to disturb the circulation of the country. Instead of being the regulator of the currency, the Bank of England produced by its own operations the principal evils attendant upon our monetary system. The Bank of Ireland was likewise a cause of the disturbed state of the currency, and therefore he wished to see it removed. Not a year passed since 1797, during which a committee had not sat, on some question raised with regard to our system of banking. In France, however, the National Convention had fixed the standard in 1791, by making the currency metallic, without prohibiting paper in aid, provided it was truly represented by bullion; the subject had from that period never once been discussed in the Chamber of Deputies, or canvassed in a single pamphlet. It was impossible to contrast the uniform and steady state of the currency in that kingdom with our fluctuations, and the losses entailed by them, and not come to the conclusion that the system on which we acted was a faulty one. When he declared himself anxious for free trade in banking, he wished to guard himself against possible misrepresentation. No man was more anxious for a metallic standard than he was. No man more dreaded depreciation of the currency, and no one had exerted himself more in that House and out of it to maintain the public credit by securing a gold currency. He contended (and he never hesitated to declare his opinion when he thought the expression of it called for) that this country would be better off if it had none but a metallic currency. By such a change the working classes and the mass of the people would be saved from the sufferings inflicted upon them by the fluctuations in the currency. He was willing, however, so far to modify that opinion as to support the principle of a paper in aid of a gold currency without depreciation. The right hon. Gentleman proposed to continue the present monopoly of the Bank of Ireland. In making that proposition, the right hon. Gentleman had proposed to prove the successful working of that system, and to show that there could be no security to the country against an over-issue of paper in the Dublin district, if the issue were not confined to one bank, and that bank the Bank of Ireland. He had expected that the right hon. Gentleman would have favoured the Committee with some reasons to prove the necessity of his present proposition, but he had expected them in vain. He had expected that the right hon. Gentleman would have shown some reason for his opinion that a bank, which he allowed to issue notes *ad libitum* at Belfast, and which he asserted could issue them at Belfast without danger, could not be allowed to issue them in the same manner at Dublin. He had not heard from the right hon. Gentleman a single argument to show that the power of issue would be exercised by it more injuriously within than without the metropolitan circle. When he looked to what had been the conduct of the Bank of Ireland, he found that it had not been so steady as it ought to have been. What was the advantage supposed to be derived from that bank in comparison with joint-stock banks? Why, that it would provide against a commercial crisis. But he contended that a commercial crisis had been caused by the conduct of the Bank of Ireland. When the right hon. Gentleman vented his indignation against Mr. Callaghan, because he did not know that the Bank of England had raised its interest, what would he say when he told him that the Bank of Ireland did not know that the Bank of England had raised its interest? With securities amounting to 6,883,000*l*., liable to be called for, having issued 1,500,000*l*. in notes, and 2,800,000*l*. deposits, they had only 887,000*l*. of bullion to meet demands. Was a proportion of one to eight a right proportion. The Bank of England said one to three. Yet for three years they went on reducing their bullion, till, in a year of pressure, it amounted to only 887,000*l*. So much for their being prepared with gold to sustain credit. When the difficulty arose, what did the Bank of England do? It sent 700,000 sovereigns. What did the other bank do? It did not refuse to take Bank of England notes, but it refused to take bills of the best class; and if the right hon. Gentleman looked at the amount of discounts, he would find that the accommodation given to the public was not what it ought to be. They discounted more bills in 1808 than in 1836. He rested the whole question on this—could there be an over-issue of paper? Could it be, in a free state of banking, as in Scotland, that one bank could issue more money than the circumstances of the country required? A banker at Aberdeen undoubtedly might issue 50,000*l*. of notes, which might go to Edinburgh; but in a few days they would return, if there was no want of them. The quantity of paper which could be maintained at any time depended on the state of commerce, being at one time greater, and at another less; but if the notes were not exchangeable into bullion, no banker, in a free state of banking, could keep out a greater quantity than the circumstances of the country required. The error of the Bank of England was, that they did not attend to the effects of over-issue till they saw the exchanges brought against this country, and the bullion going abroad. There was no such thing as this in Scotland; if there were an over-issue there, in a few days the notes were returned to them, and they would have to pay them in bullion at a great loss. So it should be in England and Ireland, and it was because he wanted to see it so that he desired the monopoly to be reduced. The difference between the free banking system of Scotland and the monopolies in England and Ireland was the same as between freemen and slaves. If the latter countries were as free as Scotland in this respect, no over-issue would take place. With regard to over-issue, he would read to the right hon. Gentleman the answers of one or two witnesses before the committees. Mr. Horsley Palmer, in his evidence, in 1832, being asked what he meant by "over-issue," said it arose from excess of prices.

> "It is clear," he said, "that bankers only legitimately issued as a demand arose in the prices of a country; but prices may be above the relative value of the country, and in that case an over-issue may exist."

Mr. Gibbons, who was connected with the Birmingham and other banks, was asked,

> "Suppose there was an issue to excess, what would be the consequence?"

He answered,

> "It would be returned to the bank."

The right hon. Gentleman said, there would be an over-issue in Ireland; he (Mr. Hume) said, then the notes would return to the Bank. Mr. S. Gurney said, that over-issue could not be effected by any acts of a country bank; and his (Mr. Hume's) opinion was, that the power to produce such an effect was generated by the monopoly given to the banks of England and Ireland. There was another circumstance which he must remark. It was well known, that in 1826, a correspondence took place between Lord Liverpool and the Bank of England, when it was thought necessary that the monopoly of the Bank of England should be relaxed—a measure of which the right hon. Gentleman himself had been a strong advocate, though now he refused to reduce the monopoly of the Bank of Ireland. What did Lord Liverpool say? When the Bank proposed a continuance of this monopoly, he answered—

> "With regard to the extension of the term of your exclusive privileges, I must observe that Parliament will never agree to it; such privileges are out of fashion, and how could the Bank expect that their exclusive privileges would be renewed?"

He considered it a great misfortune to the country that Lord Liverpool did not live to carry out this doctrine. But did not the same observation apply to the Bank of Ireland? Were not such privileges still out of fashion? Lord Liverpool had said, that there was no reason why the Bank of England should look at the admission of free banking with dismay; and he said the same with respect to the Bank of Ireland. He thought it had been a serious evil that the Government should have renewed the monopoly of the Bank of England; but if they had committed one evil, let them not commit another, by renewing the monopoly of the Bank of Ireland. But the right hon. Gentleman talked of expediency. He left it to the House to judge whether he had adduced a single instance to prove the expediency of continuing the monopoly. His reasoning was founded on erroneous principles; it afforded no argument whatever in favour of its continuance. The right hon. Gentleman had spoken of the capital of Scotland; but he was mistaken as to its amount. The capital paid up of the twelve great banks of Scotland amounted to 8,300,000*l.* and no more, and the deposits in the banks amounted to 17,000,000*l.*; so that the banks of Scotland were rich, not in amount of capital, but of credit, for the capital of the Bank of Ireland was between 7,000,000*l.* and 8,000,000*l.* The confidence reposed in the banks of Scotland arose from the prudence of their conduct; and if they exceeded in their issues the fair demand, their paper would be thrown in upon them. Let it be the same in Ireland, and the right hon. Gentleman would not say that the riches of Scotland had created the banks, but that the banks had tended to create riches in Scotland. In all the panics he considered the Banks of England and Ireland to have been the disturbing parties; they had themselves led to all the ups and downs which had been witnessed in both countries. But give to Ireland the benefit of a free trade in banking the same as Scotland enjoyed, let Ireland have nothing to do with exchanges, but be placed on the same footing as Scotland, and he was satisfied the same beneficial results would take place. Why should any man in Dublin, desiring to send money to England, be prevented sending it by a check or bill on London, and yet this was an advantage of which the people of Ireland were deprived by the monopoly which it was now sought to continue. The whole system had been to exclude capital from Ireland, and to impede and harass her commercial transactions. The towns of Drogheda, Newry, and Dundalk, had not the advantages enjoyed by the people of Scotland, and he was at a loss to know why the good management of the northern banks, by which those establishments had gained the confidence of the public, and raised the prices of their shares, should not be extended to the towns in the vicinity of Dublin. He had listened with attention to the melancholy details of the occurrences which had taken place in 1836, but he held that this case was not applicable. The right hon. Gentleman had found fault with the evidence of Mr. Callaghan in reference to his statement as to what the Bank of Ireland ought to have done; but if he had been examined before the Committee, he should have stated in much stronger language the deviations from all the rules of banking of which the Bank of Ireland had been guilty. Mr. Callaghan had correctly stated, that the banker who held assets for circulation, and held deposits, ought not to lay up his money in Government securities; they had been shown by the evidence of 1832 to be the worst and most unavailable securities. When the right hon. Gentleman laughed at the recommendation of the Bank vesting their money in commercial bills, because some of them might possibly be dishonoured, he did so in ignorance of the effect of the evidence of 1832 upon that point; because by that evidence it was proved, that in the year 1825 commercial bills were a better resource than Government securities. The Bank of Ireland had three millions and a half of capital vested in public securities, and three millions and a half in private securities, and had only 887,000*l.* in bullion to meet their issues and deposits. Let a crisis come, and it would be impossible for the Bank to meet it. But all irregularities would cease the moment the trade in banking was made free. The right hon. Gentleman had said, that though he would admit of free trade in banking, yet he must protest against free trade in coining. He denied that the issuing of paper was coining. The Government issued gold; the Bank issued paper; and as long as that paper was convertible into gold, it was, and must be, held equivalent to gold. It was true that the paper might displace a portion of the gold; but that would not alter the value of the note. The note would be of equal value with gold for every national and local purpose. But then they came to the exchanges. These were held to be the only test of the depreciation of the value of paper. If the Bank of England in August last had paid attention to the exchanges when they began to turn against this country, much of the evil now felt would have been prevented. The coining of paper (as it was called) could not be in excess. It would come back to the banks if the amount exceeded the demands of the country. On this ground it was, that he was surprised that the right hon. Gentleman should give a power to persons living beyond fifty miles of Dublin to issue paper, and yet refuse it to those who resided within that distance. Why should they continue this plague spot upon the commercial spirit of Ireland? If joint-stock banks could be trusted to issue notes both in England and in Ireland, beyond the limits of fifty miles, it required to be shown why they should not be trusted to do so within that distance. He hoped the House would not adopt the resolutions proposed by the right hon. Gentleman; but on the contrary would declare that Ireland was entitled to the same measure of justice as was enjoyed by the people of Scotland. He would only say one word with respect to the plan proposed by the right hon. Gentleman. He did not think the right hon. Gentleman had acted wisely in the course he had pursued. In January, 1838, the three-and-a-half per cents were above par. He might have funded the three millions. The Bank of Ireland ought not to have any of its capital in the Government securities. The Government ought to pay the Bank, in order that it might use its capital for commercial purposes. The Bank obtained nothing equal to what it could do in the way of discount, if it possessed the whole of its capital. The bullion committee of 1819 stated, that the Bank of Ireland could not conduct its affairs properly until the whole of the money Government owed to it was repaid. A portion was subsequently paid, but the whole ought to have been paid. By the Government having paid 3½ per cent. on the debt since the termination of the charter, the country had lost 30,000*l.*; for the Government might have obtained the money at three per cent. He trusted to see this question taken up early next Session; but as a matter of principle—not having heard one single argument that he conceived to be sound, for continuing this monopoly to the Bank of Ireland, except it was that the charter of the Bank of England would expire in 1844—he begged to move, as an amendment to the resolutions of the right hon. Gentleman—"That the exclusive privileges enjoyed by the Bank of Ireland shall cease so soon as the notice required by law can be given."

Mr. *Clay* did not think his hon. Friend had laid sufficient grounds to induce the House to agree to his amendment. With regard to the peculiar condition of Ireland as bearing on this question, he did not think it necessary to trouble the Committee with more than one or two observations: first, because the Chancellor of the Exchequer had gone into the question at great length; and, secondly, because this question had now become entirely a question of principle. The privileges enjoyed by the Bank of Ireland would cease in 1844, the same as those possessed by the Bank of England; it would then depend upon the Parliament to determine what system should be permanently established. The question now before the House was as between what his hon. Friend called the system of free trade in banking—that was to say, in issuing of notes—and the best system of control which it was possible the wisdom of Parliament could devise. As regarded the present condition of Ireland in relation to this question, he would only make two observations; first, that there was no evidence given before the Committee, for which he himself moved, and which he constantly attended, to show that there was any want of fair banking accommodation in Dublin to persons worthy to receive it, or that a man might not get a good bill discounted; and it would not be a good system under which a man could get a bad bill discounted. Again, with regard to the pernicious influence said to be occasioned by the monopoly of the Bank of Ireland within the circle of fifty miles, the town of Drogheda had been expressly alluded to. It had been said, that it was especially hard to that town, that it should be excluded from the benefits of the free trade in banking which was enjoyed by other towns that were out of the circle of fifty miles. Had that town suffered by this deprivation? In Tuesday's paper there was a report of a meeting held in Dublin last Thursday, for the purpose of passing resolutions adverse to the plan of his right hon. Friend, and what was said with regard to the town of Drogheda?

> "Let us," said one of the speakers, "look at the town of Drogheda. There the genuine effect of national enterprise manifests itself. To that town one may look with pleasure to what an intelligent and industrious population can effect. Several flax and cotton mills have been built there within the last seven years, some by joint-stock companies, others by individuals, and they are all doing well, and are full of work."

Then, with a species of logic peculiar to Irishmen, the speaker went on to argue why the present was a very bad system, and why some other should not be tried. But this statement was, at all events, evidence that Drogheda was not decaying. His hon. Friend had, in terms forcible and clear, stated the principle which he thought should regulate the monetary system of this country. He had said, in so many words, that in the system of free trade in banking there could be no over issue of paper; and he had further said, that the notes were exchangeable, at the will of the holder, into bullion. He had, for the maintenance of these propositions, relied on the evidence of two witnesses. First, he quoted the evidence of Mr. Gurney; and secondly, he referred to the case of Scotland. What did Mr. Gurney say? He said, there might be an over issue by the Bank of England, but no over issue by the joint-stock banks. But had the reason been stated by his hon. Friend, why there could not now be, for any length of time, a great over issue? It was curious enough, because the very instance adduced by Mr. Gurney showed the advantage of the present system. The reason why there could not now be a very great excess in the issues by private or joint-stock banks was, because their notes must always be liquidated in the currency—that was to say, the notes of the Bank of England. If they issued notes in excess, they would be called upon to pay them in a sound currency. There might, however, be an over issue by the Bank of England for a time, because it was the foreign exchanges only that could check their over issues. Next, his hon. Friend referred to Scotland, and beyond all doubt, he had referred to the only instance which could be given in defence of the system of free-trade in banking. It had always been felt by all writers and reasoners upon this subject, that the system of banking in Scotland was a great anomaly, not reducible to any known rules. There were banks in Scotland with four or five partners; others with a great many; some with a limited, others with an unlimited liability. Therefore the success of Scotch banking might be used with as much justice as an argument in favour of any other system of banking, as it could be in favour of the principle advocated by his hon. Friend. The facts with regard to Scotland were, that nearly a hundred years ago, three chartered banks were established. They were very sound and solvent banks, but were conducted without any precise rules. When other banks were established, they were obliged to conform to the course pursued by these chartered banks, and the result was, that a species of strict police was formed among all the banks of Scotland. The circumstance that was wonderful in this was, that such a system should have grown up to its present state. It had, however, grown up, and was an exception to all rule, and was by no means a safe instance to rely upon. Still he was somewhat sceptical as to all the advantages that had been attributed to it. His hon. Friend was not correct in saying, that there was no instance of failure of any bank in Scotland except the bank in Ayrshire; because, since the failure of that bank, there had been five or six other failures, though the system generally had certainly been successful. Still that system was very stringent and severe upon the community. Though the banks did not themselves break, yet they occasionally caused considerable breakings among their clients; because they occasionally put on the screw somewhat unrelentingly in order to save themselves. But this Scotch system of banking was the solitary instance that could be adduced in defence of the system advocated by his hon. Friend. All other experience was against it. There was no system of free trade in banking that the world afforded an evidence of that did not go directly in the very teeth of that system. The reason was apparent. Where there were many banks issuing in competition one with the other, there would be a natural tendency to over issue, from a disposition to give more accommodation in times of prosperity in order to gain business. Where there was nothing to check that tendency —where there was not one great regulator of issues of the currency—it was absolutely certain that there would be an over issue. The check which his hon. Friend relied upon was no check at all; for, where all the banks issued simultaneously, the relations between the demand and the amount of the issues, by a return of the notes, could not be preserved. His hon. Friend had said, that there was no instance but that of Scotland where free trade in banking existed. It was remarkable that he should have overlooked that country where the system of free trade in banking had existed for the longest period — he meant the United States of America. The system not only existed there in its most prominent form, but it had been recently tried under those very circumstances of excellence upon which his hon. Friend relied; for he relied upon the joint-stock principle. That was the only principle adopted in America. There were no private banks there whatever. The system there observed was incomparably better than that pursued in this country, and, with some slight alterations, was well worth adoption, as far as mere banking was concerned. The same system extended over the whole of the Union; and he would say, that without meaning any disparagement to the banks in England, the banks of America were superior in every respect. They were better ordered, they had better regulations, they comprehended more of the wealth, the intelligence, and the respectability of the country, in proportion to the whole population, than the banks in England. Yet they afforded an instance, which this country would be insane not to profit by, of the truth of this proposition—that to no banks, private or joint-stock—to no association could the whole and sole control of the issue of paper money be safely entrusted. The history of the free trade system in banking in America was too pregnant with a moral to allow of its being passed over in silence. The misfortunes of the American banks, immediately after the war terminated in 1814, must be familiarly known to every one. In 1814 all the banks in America except at Massachusetts, stopped payment. There existed for many months the most wretched state of uncertainty, variation, and doubt as to the value of the paper currency. Bank paper in one place was at ten per cent discount, in another twenty per cent., and in another thirty per cent discount, and so on. In 1816 the pressure of these evils led to the establishment of the United States Bank, having a charter granted to it for twenty years, with a capital of twenty-five millions of dollars; and, without being absolutely a government establishment, it was so far so, that it became the central bank of America and the United State Government became a shareholder to the extent of one-fifth of its capital; that was was to say, the Government took shares to the amount of seven millions out of the thirty-five millions of dollars. It was allowed by all the best authorities on American finances that that bank was mainly instrumental in restoring a sound currency in America. He alluded particularly to one who was well known as the most able American financier, and whose work on the subject of its finances was regarded as of the highest authority; he meant Mr. Gallatin. That gentleman attributed the sound currency of America to the influence of that bank. But be that as it might, he would now come to facts. In 1820 (four years after the United States Bank was established) there were 308 banks in the United States. In 1830, the increase was twelve only; there being then 320 banks, having a circulation of sixty-one millions of dollars. Very shortly after the year 1830 began that quarrel between the President of the United States —then General Jackson—and since followed up by Mr. Van Buren, of which the world at large must be cognizant. The President having quarrelled with the bank, the quarrel soon assumed a political aspect, parties in America espousing one side or the other. The result was, that Government refused to renew the charter of the United States Bank, and demanded to be repaid their portion of the capital. They took away the Government deposits and distributed them among a number of the State's banks, which hence got the name of the Debt Banks. The central guide for banking in America was therefore at an end. Their charter expired in 1836. It was clear that between 1830 and 1834 the charter would not be renewed. What was the number of banks in 1834? The banks had in 1834 increased to 506, having a circulation of 94,000,000 of dollars—an increase of fifty per cent. in four years. In 1836 the banks increased to 567, with a circulation of 140,000,000. In 1837, namely, in one single year, the number of banks had increased to 677, with a circulation of 187,000,000 of dollars. Here, then, was free trade in banking in its best form, and under which form his hon. Friend had said it was impossible there should be an over-issue or an excess of paper money. But his hon. Friend not only relied on the joint-stock system, but on the power which the holders of bank paper had of changing their notes into specie. His hon. Friend considered every man bound by law to receive specie in exchange for paper, and that that right would operate as a check upon excessive issues. But in America, where the system of banking was perfectly free, there was this peculiar feature in the system, that the issuers of notes were entitled to decline paying their notes on demand, by paying 24 per cent. interest to the holders during the period that they refused so to pay their notes of specie. Instead, then, of allowing their notes to be payable on demand in gold, the American Government had, on the contrary, taken care to fence the change of their notes into specie with various safeguards and penalties. There had been a most extensive over-issue of paper money in that country, the inevitable result of such a system. In the memorable period from 1834 to 1837, there had been an increase in the paper currency of no less than 95 per cent.; the consequences are well known; every bank in the United States stopped payment. Such was the happy state of things resulting from that system of paper currency. That was in the period from January 1834, to January 1837. Let the House next consider what was the state of the currency and monetary interest in England in that period, subject to the wretched system of the Bank of England. In January 1834, the current paper of the Bank of England was 17,469,000*l.*; private and joint-stock banks 10,152,104*l.*—total issue of notes 27,621,104*l.* In January, 1837, the issue of the Bank of England was 17,998,000*l.*; private and joint-stock banks, 12,011,697*l.*—total issue of notes in 1837, 30,009,697*l.*, which gave an increase of 12 per cent. on the issue of 1834. Therefore while in that country, under the system advocated by his hon. Friend, the paper currency had increased 95 per cent., and during that period the whole of their banks had stopped payment, the increase was only 12 per cent., and the same ruinous disturbances of commercial interests and checks to public credit had not been felt. He did not say that that system was the best which could possibly be devised, or that the Bank of England conducted their business always in that way which he thought most conducive to the public interests; but he said that with all their faults the monetary system under which we lived was upon the whole the safest and best calculated for the support of public credit. Let him next consider what had been stated by the highest authority in America on the subject. On the 4th of September, 1837, being four or five weeks after the universal stoppage of payments to which he had already alluded, an extraordinary meeting of Congress was called, at which the President delivered a message, from which he would read the following extract:—

"The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to over action in all the departments of business—an over-action deriving, perhaps, its first impulse from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit. . . . . In view of these facts it would seem impossible for sincere inquirers after truth to resist the conviction that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, are suddenly without any great national calamity, arrested in their career, and plunged into embarrassment and distress. In both countries we have witnessed the same redundancy of paper money, and other facilities of credit—the same spirit of speculation—the same partial successes—the same difficulties and reverses, and at length nearly the same overwhelming catastrophe."

Such, then, was the opinion of the highest executive authority in the United States, distinctly attributing their condition to excessive issues of paper money. What were the sentiments of the principal men of business? A meeting of business men, from the different States, in Philadelphia, took place on the 15th of November of the same year, who gave the following account of their condition:—

"Possessing a wide and fertile country, a climate adapted to the production of everything which contributes to the health or happiness of man, with an enterprising and intelligent population, with the friendship of all nations, the bounties of the earth and the smiles of heaven, it would seem that we must be prosperous and happy above all people; but when we inquire into the actual condition of the people, we discover that actual distress and gloomy forebodings have spread dismay and ruin over prospects recently so brilliant. Bankruptcy has overtaken thousands of our most worthy and enterprising men of business; our banks are unable to meet their engagements; instead of a sound and healthful currency we have a paper circulation, based upon promises which are not performed, or, what is still worse, a species of paper currency containing no promise to pay till after a lapse of time which will wear them to rags. The merchants are unable to pay the manufacturers; the manufacturers are unable to go on with their work; the labourers are unable to pay for bread; and the spindle and the loom and the tool of the artisan are still, and thousands who twelve months ago enjoyed a comfortable subsistence from the rewards of honest industry are now trembling on the brink of despair."

He held that certain ruin would be the inevitable result of the system of free trade in banking. If there were no limitation on the issue of paper money, one of two things must eventually occur.—If it be not redeemable in specie, it would depreciate very greatly in value. That had been illustrated in England during the Bank Restriction Act, and in Russia, and generally in despotic states. In countries, again, where it was exchangeable into specie, the system must inevitably end in one universal stoppage of payment; for it was quite impossible for bankers, under such a system, to keep a sufficient amount of bullion in their coffers to enable them to meet all the demands which could come against them. If a considerable run was to take place upon such banks, as had been the case in America, it was beyond all doubt that similar results would unavoidably take place. His hon. Friend had spoken in terms of eulogy of the system of banking in France, and boasted that since 1791 they had no occasion to alter it; but his hon. Friend must be aware that the system in France was very different from this country or America. It presented a considerable contrast to the system which had been adopted in either. In France there was scarcely such a thing as a private bank at all. There were about eighty-five millions of specie in

France. That was the amount of specie current, according to the most accurate calculation. The bank notes in circulation were under twelve millions, so that they had a paper currency in France of twelve millions to eighty-five millions of specie. He derived his information from the Count de Argout, the director-governor of the Bank of France. No wonder, then, that France had experienced comparatively hardly any disturbance in her monetary system, even while her soil had been occupied by foreign armies. His hon. Friend had made some other remarks well worthy of notice. He said, why not repay the Bank their capital, so as to enable them to give more accommodation, and allow a larger extent of discounts. His hon. Friend, in his opinion, had misunderstood the true nature of the trade of banking. It did not consist in lending money, but in the proper collection and re-distribution of money. The true principles of the trade of banking were to enable the banker to lend other people's money, and not his own. He, therefore, thought his hon. Friend had misapprehended the nature of the real principles of banking. He trusted that his hon. Friend would excuse him for saying that his notions of this subject proceeded on false principles altogether. Banking had really no natural connection with the issue of notes. His right hon. Friend the Chancellor of the Exchequer, however, was about to remove some very inconvenient restrictions to which the trade of banking in Ireland was subjected. In that he did well, and he should certainly support the motion of his right hon. Friend. He should do so, because he thought it would not be wise to allow a competition in the trade of money without the restraining check of one firm, superintending, central head, and also because his right hon. Friend had, wisely in his opinion, made the privileges which were to be given determinable at the same period as the privileges of the Bank of England, and placed under the disposal and in the power of Parliament the control of the circumstances attending the renewal, and also placed the whole in future upon a safe and permanent footing. He did hope by that time that the public mind would take a surer and more wise direction, and that they should cease to hear of the idea of promoting public prosperity by the mere issue of a set of bits of paper. It was the capital of the people alone that could be relied on for that purpose, and not such fictitious and unstable means, which although perhaps they might seem to be a means of strength at first must be the means of weakness afterwards. He would say humbly for himself that he had no personal connection with any bank. He was no shareholder or partner in any concern of the kind; but he did not hesitate to say, that all the agitation which he had observed on this question had originated with bankers and persons connected with them. No one appeared for the public. It was the bankers alone who agitated the question and fought the battle with the bank. He thought the the interests of the public were distinct from both, and he had accordingly stated what he considered to be the course best calculated to support the permanent interests of the country.

Mr. *O'Connell* said, the question raised by the Chancellor of the Exchequer was, whether a particular bank in Ireland should possess the unlimited privilege of issuing their own notes; so that the excellent speech they had just heard from the hon. Member for the Tower Hamlets was really against the cause which he supported. When he recollected to have heard the hon. Member argue on a former occasion that the liabilities of joint-stock banks should be limited to their subscribed capital, so that the smaller the security you have to look to the greater your safety, he did not feel surprised at the course he had adopted on this discussion. The question they had to look to was, whether they would allow all other banks to be excluded from trading within a limit of fifty miles, and whether they would allow ten counties in Ireland to be thus handed over the exclusive discretion of one particular bank. He did not think the Chancellor of the Exchequer had treated Ireland well, nor did he believe that he would have attempted to use her as he had done if he had not been aware of the strength of English prejudices, and trusted to that source for support. The right hon. Gentleman had first of all raised suspicions in the breasts of English Members, by observing that it would be requisite to find gold for Ireland, and that that gold must be sent from England to Ireland. He admitted that such would be the case. But how, would the continuance of the monopoly of the Bank of Ireland prevent it? The Bank of Ireland, on the very last occasion was obliged to apply to England for aid to the amount of 400,000l., which was an additional drain on this country. The question was, whether they would allow a monopoly to be created in Ireland. He said created, because it had in fact expired, and it would not come again into operation unless they thought fit to renew it. The right hon. Gentleman said, to be sure that it was not a monopoly, but merely a renewal of privileges. They had a free trade in banking in England, out of the limits of the Bank of England, and a free trade in Ireland out of the limit of fifty miles. What, then, was the magic in the extent of fifty miles? Let them take the case of the town of Newry, and think of its absurdity. Why the magic limit cut off one-third of that town, so that if you cross the bridge of Newry, you are in the region of free trade in banking; and if you do not, you are under the monopoly of the Bank of Ireland. What could be more absurd than to make the bridge of Newry the limit for the region of free trade in banking? Nine-tenths of the Irish Members had left town, and it was most unjust to postpone this discussion to so late a period of the Session, and to bring it forward too at a time when the price of money had greatly increased, so that the Bank of Ireland would be able to drive a much better bargain than otherwise. He could not understand how it was, that the right hon. Gentleman had fallen in love with the Bank of Ireland, but such had been his fate, and the first fruits of his affection were presented to them in this measure for renewing the privileges to the object of his passion. The Bank of Ireland had 23,000*l.* a-year more for the money they had lent the public, than it could have been obtained for at the market price. One portion had been obtained at five per cent. and another portion at four per cent. The Bank of Ireland had thus received 4*l.* 7*s.* 6*d.* per cent. for the money which could have been got at three or three-and-a-half per cent.; and yet, at this late period of the Session, this measure was brought forward. It was said by the right hon. Gentleman, that they could not compare the banking in Scotland with Ireland. But the right hon. Gentleman had not told them why. No doubt the Scotch banks had a large capital in the funds—as much as 9,000,000*l.*, he believed—the result of more than a century of continuous enterprise and public saving. Let them look, on the other hand, at the large paid-up capital in Ireland, and they would find that the surplus saving of a century was not a larger sum in proportion to the different circumstances of the two countries. But supposing he was wrong in coming to that result, Scotland, before she had enjoyed that 100 years of successful trading, was in the same situation that Ireland is in now. Scotland has become a prosperous, great, agricultural country. Ireland, with a superior soil and climate, was one of the poorest agricultural countries. Scotland had a perfect free trade in banking. There were misfortune and poverty in the one—prosperity and riches in the other; and were not those grounds for arguing in favour of a free trade in banking in Ireland. In so far as the system had been tried in Ireland, the Chancellor of the Exchequer admitted that it had answered well, that the joint-stock banks had acted most properly. Could the Chancellor of the Exchequer say, that when the Scotch banks were first established, they were in a situation to meet any run which might be made upon them? So far from that being the case, they made their notes payable on demand, or at six months' date, at the option of the banker. That was not the case now, because by their success they had established themselves in such credit, that they were in no risk of any run, and were independent of such precautions. The case of Scotland was one neither to be trampled on nor sneered down. Of all countries in the world, Ireland was the country in which the establishment of joint-stock banks was most necessary. The treasure of the country was not allowed to settle there. It was sent away as fast as it was raised. The only way to stop that drain, and to fix the floating capital in the country, was to establish joint-stock banks. The Bank of Ireland had done nothing to entitle it to the advantages proposed to be given to it. He was not arguing for any breach of public faith. The monopoly was at an end. Would they, then, re-create it? There was a distinct pledge given, that it would not be renewed. ["Hear" from the Chancellor of the Exchequer.] The Chancellor of the Exchequer cried "hear!"—did not the right hon. Gentleman consider himself bound by the pledges of his predecessors. He said, that if they renewed this monopoly, they would break two distinct pledges which had been given to the people of Ireland. The one was direct, given by former ministers—the other indirect, by the right hon. Gentleman, by which he had held out inducements to lead them to believe that the monopoly would not be renewed by the present ministers. He alluded, in the first instance to the case of the Hibernian Bank. Two or three people, principally engaged in farming, came over to this country, and had an interview with Mr. Huskisson and Mr. Robinson, now Earl of Ripon, to whom they stated, that they intended to establish a bank in the city of Dublin, and wished to know the views of the Government as regarded the Bank of Ireland charter. Those ministers stated, that they regretted that they could not give any privilege beyond that of suing and being sued;—

> "That the Bank of Ireland Charter, the report stated, interfered with our getting it; but they gave a distinct pledge that the Bank of Ireland Charter would not be renewed, a distinct promise to our deputation; and, had we not got that distinct promise, we would not have gone on when the difficulties were explained to us in the formation of our bank; we would have thought it useless: but we did it in the hope of better times, on the opening of the trade, even at the distant period at which we have now arrived."

Thus these parties had received as direct a pledge as words could give, that the Bank of Ireland Charter would not be renewed; and the result was, that 250,000*l.* was subscribed for the establishment of that bank alone. So much, as regarded the pledges of former ministers. Then, as regarded the present. When he, along with a deputation, waited on the right hon. Gentleman last year, the right hon. Gentleman said he would not pledge himself; that he wished time to consider—that he would not be bound—but he asked hypothetically, if the limits of the monopoly of the Bank of Ireland were confined to ten or fifteen miles, whether they would be satisfied. The answer was, that they would. He was aware, that some persons present said, they must first consult upon the subject. That was true, but afterwards the whole depatation said they would be satisfied. On their return to Ireland, the deputation accordingly said openly, that the Chancellor of the Exchequer had agreed to put all the large towns out of the monopoly of the Bank Charter. And yet, after all that had passed,—after the expectations, not to call them by a stronger name, which the right hon. Gentleman had given, he now, at this late period of the Session, and in spite of those pledges, had determined otherwise. The right hon. Gentleman had observed, there were no petitions upon the subject. The reason was, that in consequence of what had passed between the right hon. Gentleman and the deputation, no idea was entertained until within the last fortnight that those odious privileges were intended to be renewed. In the year 1828, when the deputation he had referred to went back to Dublin, a meeting took place, with the Lord Mayor in the chair. At that meeting the resolutions were moved by the first-rate merchants in that city. An attempt was made the other day to get up another meeting; but the leading mercantile people had not courage to attend it They were afraid to expose themselves to the anger of the Bank of Ireland, to whom they found their future interests were to be abandoned. The right hon. Gentleman quoted, in support of his views, the evidence of Mr. Callaghan and Mr. Pim, whom he treated as witnesses adverse to the Bank, although Mr. Pim had been produced before the Committee by the right hon. Gentleman himself. Indeed, the right hon. Gentleman's question on the Committee bespoke a foregone conclusion, and an intention to make out a case by leading questions. He relied on Mr. Pim's evidence to show, that the Bank of Ireland was necessary to the other Irish banks. He would read one of Mr. Pim's answers on this point. Mr. Pim was asked whether it was from England mainly that the Irish banks, in the stoppage of 1836, obtained the increased supplies which were necessary. Mr. Pim's answer was—"I should say from England solely." Yes, from England solely the money must come, notwithstanding the resources of the Bank of Ireland. The Chancellor of the Exchequer boasted of the assistance given by the Bank of Ireland to the other banks during the panic of 1836. Who brought on that panic? The evidence was conclusive that it was created by the Bank of Ireland. It was demonstrated by the fact, that the interest charged by the Bank of England was 4½ per cent., when the Bank of Ireland was charging only 3½ per cent. Could there be a more certain method of having its gold drawn away?

The merchants of Liverpool found, that by sending their bills to friends in Dublin, they would save 1 per cent., and they got their bills discounted at the Bank of Ireland, instead of the Bank of England, and so drew away the gold from Ireland. This was not all. Mr. Callaghan gave another instance of the conduct of the Bank of Ireland. The Hibernian Bank was the correspondent of a Belfast banking company, a bank of great property and credit, and having a great number of branches in Ulster. The Hibernian bank paid their notes and drafts, and did their business as agents. It had a parcel of excellent bills, with not more than thirty days to run, and the Hibernian Bank sent in these bills to the Bank of Ireland, in the usual course of trade, at a time when the Bank of Ireland was discounting sixty-one day bills. The Bank did not throw them out at once, but kept them twenty-four hours, though their minutes counted for thousands of pounds, and then they refused to discount them. Was not that calculated to increase the panic? Did it not in fact create the stoppage of the Belfast bank, and if that bank had not had abundance of assets, would it not have been ruined? Yet the directors of the Bank of Ireland who had acted thus were the only magicians who could regulate the monetary system of Ireland, and preserve it from panics and convulsion. Many and many a time had the thought of the fatal Union between the two countries come painfully upon him, but never more oppressively than this night, when he looked round and saw the thin House by which this question, so vital to Ireland, was to be decided. The Chancellor of the Exchequer talked of the Bank of Ireland always meeting its engagements. How did they meet them?—by paying promises with other promises—by handing out ten small promissory notes for one large one, a mode of meeting demands which, no doubt, they would be ready to continue to the end of the chapter. The Chancellor of the Exchequer might as well refer to the foolish vengeance taken by some of the rebels, when, to spite the Bank, they lit their pipes with bank notes, and boast that the property of the bank was not lessened by such injuries. Look to the conduct of the Bank of Ireland with respect to branches! The law at one time gave the Bank the monopoly of issuing notes in every part of Ireland. From the year 1820 to 1825, when there was no other banking company, why did they not establish branches? What said the Chancellor of the Exchequer? He said, with some triumph, that the Provincial Bank had been the first to form branches. The Bank of Ireland was awakened when it found its monopoly endangered, and wherever the Provincial Bank was successful, there the Bank of Ireland planted a branch. They consulted their pecuniary interests (for which he did not condemn them), but hazarded nothing to meet the wants of the public. There was another point worthy of consideration. Compare the towns in which the joint-stock principle was in action with Dublin, which was subject to a banking monopoly—compare them with respect to their contributions to the post-office revenue at different periods, and observe at what a different rate they seemed to improve. He found, from the appendix to the report of the railway commissioners, that Waterford, where banking was free, contributed 4,726*l.* to the post-office revenue in 1830, and 5,500*l.* in 1836, showing an increase of 17 per cent. in six years. In Clonmel the increase was 19 per cent. In Belfast 25 per cent. In Cork 26 per cent., and in Limerick 27 per cent. In these towns banking was free. Look at the towns within the circle of the monopoly. In Newry there was a decrease of 3½ per cent. In Carlow the increase was only 3½ per cent. In Dundalk 13 per cent., and in Drogheda, the most flourishing town within the monopoly, 15 per cent. But the most remarkable case of all was that of Dublin, where there was a decrease of 25 per cent. Notwithstanding that it might be said to have a monopoly of the legal and banking postage, the postage of Dublin diminished in six years from 95,000*l.* to 70,000*l.* Such was the effect of the bank monopoly upon Dublin, crushing its resources, depressing its trade, and rendering it a melancholy spectacle of decay. To show the accommodation afforded by the bank, it would be enough to state, that while the amount of money available for discounts was 7,432,400*l.*, the actual amount of their discount was only 2,500,000*l.* And how was this distributed? The discounts at their branches, in the trading part of the county, where there were other banks ready to give assistance, amounted to 1,450,000*l.*, while in Dublin, where it was peculiarly necessary for them to be liberal, as there was no other bank to apply to, their discounts were only 1,198,000*l*. Let them relieve Ireland, and above all Dublin, from the depressing influence of the present monopoly. In conclusion, the hon. and learned Member moved that the chairman do report progress.

Mr. Alderman *Thompson* knew no instance of a detrimental exercise of the exclusive privileges of the Bank of Ireland within the circle of its operation. The hon. Member for Kilkenny had avowed his adherence to the principle of free trade in banking, and asked if several joint-stock banks issued too many notes, would they not return upon them? No doubt they would, but the misfortune was that when they did return, the joint-stock banks, as in the case of the Northern and Central Bank, were sometimes not able to pay them. His hon. Friend dwelt much on the Scotch system of banking as perfectly sound and safe. He thought, on the contrary, that there never was a more unsound principle than that of the Scotch Banks. If an individual could get another possessed of property to join him in a bond, a Scotch Bank would lend him capital to establish manufactures, or carry on trade. He was convinced that banking carried on to any extent upon such securities must be highly unsafe. He should give the motion his ready and cheerful support.

Sir *William Somerville* rose, in the name of his constituents, to protest against the town of Drogheda being included within the circle of the Bank of Ireland monopoly. It had been stated that Drogheda had prospered under this monopoly. It was true that the town of Drogheda had prospered, but it was in spite of the monopoly, and was altogether attributable to the improvement of steam navigation. He felt bound to resist the motion of the Chancellor of the Exchequer.

Mr. *Hutton* said, he disapproved as much as his hon. and learned colleague (Mr. O'Connell) did, of the present system of banking, as practised by the Bank of Ireland, and he thought that the people of Ireland had great reason to complain of the want of liberality that had been exhibited by that establishment. If they meant to deprive the Bank of Ireland of the power of issuing notes, and thus return to a sounder basis of action, he would gladly concur in the motion; but to give an unlimited power of issuing notes to every bank within a short distance of Dublin would lead to abuse. It appeared to him, also, that to go on creating a new set of vested interests would render it more difficult to deal with the matter properly at a future period.

Mr. *Warburton* did not agree with his hon. Friend, the Member for Kilkenny respecting free-trade in banking, and believed it to be possible that there could be an over issue with such a trade. The hon. and learned Member for Dublin had very properly stated that there could be no over issue, provided people when they were called upon actually paid in specie. Why that was the question at issue. If they allowed a free-trade, would there be any guarantee for paying in specie? The more freedom they gave to banks of issue, the more danger was there of departing from metallic currency. He was also opposed to the motion of the Chancellor of the Exchequer. The right hon. Gentleman admitted that the renewal of the Charter to the Bank of Ireland was founded upon false principles, and that, in renewing this charter, he was breaking through those sound principles. Why, then, renew this charter at all? Why not, at least, separate those two functions of a bank of issue and one conducting the ordinary routine of business. If they were anxious to place banking upon better principles they had now an opportunity of trying the experiment upon a small scale. He thought that the hon. and learned Member for Dublin was perfectly correct in objecting to a measure of this importance being proceeded with at so late a period of the Session; and for that reason he would support the amendment.

Mr. *W. S. O'Brien* could assure the Government, that the course they had taken on this subject had excited great surprise and dissatisfaction throughout Ireland. The question they had to deal with was, whether it were just to create in favour of one company advantages which they were not prepared to give to others. Justice and reason alike repudiated such a principle. He hoped the hon. Member for Kilkenny would press his amendment to a division.

Mr. *Redington* contended, that no case had been made out for a renewal of the charter of the Bank. He thought, that the limited district of its monopoly was disproportionately large, as an area of fifty miles round Dublin was much greater in proportion for Ireland than sixty-five miles round London was for England.

The *Chancellor of the Exchequer* would trespass upon the attention of the House only a very short time in replying. Never was the House called upon to give a more important vote; but at the same time he would remind them, that this resolution was one on which a bill was to be afterwards founded, which they would have ample opportunity of discussing in detail in its various stages. If they were to vote against the resolution, they would be deprived of the opportunity of considering the details of this very important subject. He could not help remarking, also, that those who were opposed to the existence of the monopoly of the Bank of Ireland would defeat their own object by voting, that the Chairman now report progress, because by refusing to consider this subject, they would leave the bank of Ireland as at present. He could not help observing, that the hon. Member for Bridport, who disapproved of the principles of free trade in banking, should support the hon. Member for Kilkenny, whose object was to destroy the monopoly of the Bank of Ireland, and establish a free trade in banking all over the country. The hon. Member for Kilkenny was for a free trade in banking; and his views went to this extent—that every man should have the right to make use of his capital in banking purposes as he thought proper, and issue notes to any extent, without any control beyond that of public opinion. Now he would ask, how were such views as these to be reconciled with the opinions of the hon. Member for Bridport? For his part, he, having had some personal experience in banking concerns, gave it as his decided opinion, that a great system of branch banks in Ireland could not be carried on with safety either to the shareholders or the public, if they had the power of issuing their own paper in Dublin. If such a scheme were to be attempted by the joint-stock banks, the sooner the shareholders withdrew their capital from them the better, both for themselves and the public. With respect to any charge of breach of faith on the part of the Government in this matter, as alleged by Mr. Callaghan, he denied that any promises of the kind had been made by him; and he had, moreover, applied to Lord Ripon, in reference to what had taken place at the interview with his Lordship to which Mr. Callaghan's evidence referred, and his Lordship had replied to him by letter in the following terms:—

"That he had no very distinct recollection of what had passed on the occasion referred to, but that there could be no doubt that he (Lord Ripon) had not, because he could not, have given any pledge as to what was not to take place till fourteen years afterwards; and further, that he recollected stating, that he did not think anything further could be given to the joint-stock banks of Ireland beyond the power of suing and being sued."

This was the statement of Lord Ripon, and the promise then held out by his Lordship. This promise he was now about to fulfil. In conclusion he begged to say, that the arrangement which he now proposed for the Bank of Ireland was only for a period of four years, and that at the expiration of that period they would be able again to come to the consideration of the question, and effect such modifications in the system as the state of the currency in the empire generally might seem to require.

The House divided on the question, that the Chairman leave the chair:—Ayes 35; Noes 115: Majority 80.

The Committee again divided on the original question:—Ayes 112; Noes 36: Majority 76.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Anson, hon. Colonel
Archdall, M.
Ashley, Lord
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. H.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, Sir J.
Chichester, J. P. B.
Cochrane, Sir T. J.
Cole, Viscount
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Dalmeny, Lord
Darby, G.
De Horsey, S. H.
Dick, Q.
Donkin, Sir R. S.
Douglas, Sir C. E.
Egerton, W. T.
Elliot, hon. J. E.
Farnham, E. B.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fremantle, Sir T.
Gordon, R.
Graham, rt. hn. Sir J.
Grey, right hn. Sir G.
Grimsditch, T.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Holmes, W.
Hope, hon. C.
Hoskins, K.
Howard, F. J.
Howick, Viscount
Hutton, R.

Inglis, Sir R. H.
Irton, S.
Irving, J.
Kemble, H.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lowther, J. H.
Lushington, rt. hn. S.
Maule, hon. F.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
O'Ferral, R. M.
Pakington, J. S.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Perceval, Colonel
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Price, Sir R.
Reid, Sir J. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Seale, Sir J. H.
Seymour, Lord
Sheppard, T.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stewart, J.
Strutt, E.
Surrey, Earl of
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thompson, Alderman
Troubridge, Sir E. T.
Verney, Sir H.
Warburton, H.
Williams, W.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.
Stuart, R.
Clay, W.

List of the Noes.

Attwood, T.
Barry, G. S.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Cayley, E. S.
Clements, Viscount
Duncombe, T.
Easthope, J.
Ellis, J.
Evans, G.
Fielden, J.
Finch, F.
Hall, Sir B.
Hindley, C.
Howard, Sir R.
Jervis, S.
Langdale, hon. C.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Philips, M.
Redington, T. N.
Salwey, Colonel
Scholefield, J.
Sheil, R. L.
Somerville, Sir W. M.
Stock, Dr.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Wyse, T.
Yates, J. A.

TELLERS.
Hume, J.
O'Brien, W. S.

Mr. *O'Connell* protested against having a measure so important in its nature decided by such a House as was present during the greater part of the discussion. At one time there were only thirty-five Members present. He put it to the right hon. Gentleman, whether he could hope to have the bill read a second time before the 20th of August, a period when there was no chance of a House, the grouse shooting having commenced, and the partridge approaching. He must again move, that the Chairman report progress.

The *Chancellor of the Exchequer* should certainly consider it a direliction of duty if he gave way to the Opposition. It was perfectly notorious in Ireland, that he meant to propose the prolongation of this charter for four years.

Mr. *O'Connell* must positively assert, that the people of Ireland had no more notice than three weeks. A more mischievous measure than the present had not been introduced in any Session.

The Committee again divided:—Ayes 33; Noes 102: Majority 69.

Another division on a similar motion to postpone the proceedings took place with a similar result, and a similar motion having again been proposed, the Chancellor of the Exchequer yielded, and the House resumed. We give the lists, as the principal one of the second division only. The minority which opposed the progress of the measure was nearly the same throughout.

HOUSE OF LORDS,

Friday, July 26, 1839.

Minutes.] Bills. Read a first time:—Slave Trade (Portugal).—Read a third time:—Stannaries Courts (Cornwall).

Petitions presented. By the Marquess of Breadalbane, from a place in Argyleshire, for an Alteration in the Laws regarding Church Patronage.—By the Earl of Durham, from one place, against any Grant of Public Money for Educational Purposes except on the principle of Religious Equality.

Ireland—Report of the Committee.] Lord *Hatherton* begged to ask the noble Lord if he was aware that portions of the evidence taken before the Committee which sat upon the state of Ireland had been published in a newspaper called the *Dublin Evening Mail*, together with comments and arguments appearing to convey the sense and opinions of the committee on those portions of the evidence? He did not know who had communicated those portions of the evidence to the newspaper, but he thought it as well that it should be known that the opinions appended to them ought not to be taken as the opinions of the committee.

Lord *Wharncliffe* thought the publication of the evidence and comments in the manner which the noble Lord had stated very improper; but he could not enter into the inquiry as to the source whence the portions of evidence had been obtained.

Lord *Brougham* laid on the table of the House a paper containing references to the pages of the report to which he intended to direct the attention of their Lordships, and the heads of the subjects of which those portions treated.

The Earl of *Wicklow* thought the course proposed by the noble Lord was objectionable, because it would lead to the report being discussed piece-meal, which was unjust to all parties. The noble and learned Lord seemed to think, that twelve days would be enough for the consideration of this voluminous report. It might be in the power of the noble and learned Lord to make himself master of the subject, or at least such parts of it as he thought important, in this brief space, but it was not the lot of every man to be able to devote either so much time or application to one subject. Besides, at this period of the Session, the Table of the House was from day to day become more and more crowded with business from the other House, and the mere reading of the bills was sufficient to occupy all the time which most of their Lordships could command. He sincerely hoped therefore, that the noble and learned lord would not persevere in bringing forward his motion at the time he had stated. He thought he had a right, and that every noble Lord had a right, to discuss every part of that report, if they might happen to think it necessary to do so. There were many portions of it more material, as far as the peace and tranquillity of Ireland were concerned, than those chosen by the noble and learned Lord. There was another reason why this matter should not be precipitately dealt with: the House of Commons had expressed a wish to have the report furnished to them, and it was not easy to say whether the Commons might not think the character of the Government so much implicated by the evidence as to deem legal proceedings, or even an impeachment, necessary. He hoped, therefore, that their Lordships would not proceed hastily in this business. The report ought to have an attentive perusal, and there were four volumes of it, of which he had as yet received only two.

Earl *Fitzwilliam* was always exceedingly sorry when he could not subscribe to an opinion or approve of a course propounded by his noble and learned Friend; but the course now proposed by his noble and learned Friend was open to the most serious objections. He objected to his noble and learned Friend laying upon the table of the House, the paper which he had just proposed for the acceptance of their Lordships. He understood that paper to contain a list of the pages of the report to which his noble and learned Friend thought it necessary that the attention of their Lordships ought to be directed. But he wished to know what was to prevent every other Member of the Committee, or of the House, from laying a similar paper before their Lordships. If a gentleman published a book, or if his noble and learned Friend published a book, and he sometimes did publish books, much to the edification of his fellow countrymen, and not only of his fellow-countrymen, but of the world at large, and if, being desirous that he should read that book, his noble Friend chose to mark out certain passages or pages for his particular consideration, he would have a right to do so; but the noble and learned Lord could not be said to stand in the relation of an author to this evidence, and therefore he could not act in that manner. He put it to the House whether it were right that an individual should prescribe to their Lordships what course they should take in reference to it.

Lord *Brougham* would put an end to the objection by saving their Lordships the trouble of considering his paper. He would withdraw it and put it in his pocket. He did not wish to confine their Lordships to the pages which he had referred to in the paper; he had only pointed them out as deserving their attention, and as being those on which he meant to rely as the ground of his motion. It was nothing but fair to the Government that he should do so; and now he would give the paper to the noble Marquess. (The noble and learned Lord handed the paper to the Marquess of Normanby.) He hoped that was not unpardonable; he hoped that course would be subscribed to. There were 1,400 pages in the report, and he must say, that he did not like the idea of giving the noble Marquess and his colleagues, and friends and advocates, the trouble of wading through the whole mass of evidence to find out the parts to which he should refer. He thought it but fair to give them notice of the passages on which he should comment, but he did not by doing that intend to confine noble Lords to those passages only. Now, there was an end of that. With respect to the objections of his noble Friend opposite, that the report ought not to be considered by piecemeal; his noble Friend would have the whole subject under consideration at once; and so he might, if he pleased. But the course which he (Lord Brougham) had proposed was most fair to the House, because it would relieve noble Lords from much needless trouble; and above all, it was fair to the Government, because it would point out to them the particular parts upon which they were to prepare themselves to give answers.

The Marquess of *Londonderry* was of opinion that there ought to be a discussion on the report during the present Session, for otherwise the people of Ireland would be greatly disappointed. He also trusted that every member of the committee would take the opportunity afforded by the noble and learned Lord of bringing under the consideration of the House such parts of the evidence as they might deem worthy of attention, so as to extend the debate to the whole subject.

The Marquess of *Normanby* was not surprised that the noble Marquess should wish for a decision on this subject, without hearing even his defence. Fortunately, however, he was not altogether in the hands of the noble Marquess, and he should be prepared at any time to explain such parts of his conduct as might be called in question. He had to thank the noble and learned Lord for the paper which he had put into his hands, and should certainly avail himself of it

Lord *Ellenborough* thought the matter to which the motion of the noble and learned Lord had reference was of such very high importance, that the discussion ought to be confined exclusively to that matter. The motion of the noble and learned Lord did not directly affect the noble Marquess. It was not, he apprehended, the intention of the noble and learned Lord to make any remarks upon the gaol deliveries, as they had been called, of the noble Marquess.

The Duke of *Wellington* for one had not been able to read one word of the evidence. From the remarks which he had heard he felt called upon to say a few words, as he hoped to save some portion of their Lordships' time. It appeared to him that the noble and learned Lord had a perfect right to make any motion on this subject on any day he might see fit. The notice of the noble and learned Lord as to his intentions was merely a matter of courtesy, and really it appeared to him that they were but wasting their time in discussing the subject of the noble and learned Lord's motion before it was brought regularly under their consideration. If the noble and learned Lord brought forward his motion before their Lordships had had time to peruse the evidence, and before they had been able to make themselves masters of the whole subject, it was clear that the noble and learned Lord would not do justice to himself or to his own motion, or even to the House; but these were matters for his own consideration.

Lord *Brougham* quite agreed with the noble Duke. The noble Duke had, with his usual clearness, put the matter in the right point of view, and after what had fallen from the noble Duke, he should not hesitate to say that he should reconsider the course which he proposed to follow. His own impression, however, was, that he should proceed with his motion on the day he had mentioned.

The matter then dropped.

CONCURRENT JURISDICTION — BOROUGHS.] The *Lord Chancellor* would take that opportunity of answering a question which had been put to him the other day with reference to the concurrent jurisdiction of county magistrates with borough magistrates in borough towns situate like Birmingham. When that question was put to him he took the liberty of postponing his answer, thinking it very desirable that he should be able to reinforce his own opinion with an authority that should put an end, as far as possible, to any misunderstanding upon the subject. He had written, therefore, to his noble and learned Friend the Lord Chief Justice, who was on the circuit, knowing, as he did, from forty years' experience of his candour and fairness, that if he saw, upon reflection, any error in the views which he had entertained, he would immediately acknowledge it. In the letter which he had addressed to his noble Friend he had stated, that from the consideration which he had given to the subject he had come to the conclusion that in Birmingham and other towns similarly situated, the county magistrates had concurrent jurisdiction with the magistrates of the borough. He had received a letter that morning from his noble and learned Friend, and had his authority for making known the contents of that letter to their Lordships. The opinion resulting from his noble and learned Friend's recent examination of the point coincided with his own, and his noble and learned Friend had observed that his excuse for venturing an opinion in debate was his strong conviction of the great inconvenience which might ensue from any doubts upon the responsibility of magistrates in times of danger and disturbance. He might state, at the same time, that the view which his noble and learned Friend now took of the question was in accordance with the general opinion of the profession.

Lord *Brougham* happened to know that his noble and learned Friend was misled by not having attended to a particular section of the Corporation Act, which their Lordships knew was a very long one. He had fallen into the same error himself from a similar cause; in fact, he had deferred to his noble and learned Friend's opinion.

GOVERNMENT OF LOWER CANADA.] The *Marquess of Normanby* said, that in rising to ask their Lordships to sanction the bill, for the government of Lower Canada, it was his intention in what he was about to address to them to confine himself as much as possible to the immediate objects of the bill, and to an explanation of the intentions of the framers of it. He was anxious to abstain from anything likely to excite discussion, as well for the exigency of the present moment as for the security of the future government of Canada. He should neglect his duty if he did not proceed in such a manner as was calculated to promote the general concurrence of their Lordships. He should therefore, avoid allusion to any by-gone differences: but should endeavour to do all in his power to promote a calm consideration of the subject. He was anxious to urge this measure on their Lordships' attention, because he believed that it was a measure of vital importance for the Government of Canada. The evils that were felt from the cession of the regular constitutional government in that colony had chiefly arisen from the inefficiency of the present government for those objects which naturally grew out of its form, and also from its want of power. He was sure that the advantages of a constitutional form of government would be felt by other noble Lords as strongly as himself, and they would feel that a departure from it could only be justified by extraordinary circumstances, and when the safety of the State absolutely demanded it. When such a state of things arose it was no doubt productive of great evils. Sometimes it arose from causes which might pass away, or from others which were almost inherent to the constitution of society, and he felt that a very great proportion of the evils of Canada had arisen from this latter cause. If, therefore, under the circumstances of the case it was found necessary to continue the present act for the suspension of the constitution, or rather for the present unconstitutional government for a time, he thought that their Lordships would agree with him that they should not cripple the government, so that it could not be productive of good to the people. The present Act for the temporary government of Canada was brought in under peculiar circumstances; just after the suppression of one insurrection and immediately on the breaking out of another; it was thought necessary that the forms of the Legislature should be dispensed with, and that the Governor in Council should be enabled to make laws. It was thought desirable that the powers to be given to him, should be wielded promptly and decisively, but that the duration and extent of its operation should be as much limited as possible. The present bill was introduced with a view of making some alterations in the late Act. The first provision in the former Act confined the number of the special council to five. The second provision in the Act was intended to limit its duration to 1842. The next clause referred to the power of levying taxes or local rates; and the last declared that no act of the Governor and special council should be legal which was contrary to any act of the Imperial Legislature. These were the provisions; and in consequence of these limitations, they had led to very great practical inconvenience. If their Lordships looked to the state of Canada, it would appear that the present Legislature, from want of power, was often prevented from promoting matters of every-day interest in that country; and this operated in a way to check industry, and to prevent the introduction of capital into the colony, and in many other ways which must at once be obvious. This Act he must remind their Lordships was only of a temporary nature. For the purposes of legislation, it was found that the number of members of the special council had been too small, it was therefore, thought desirable, and in some respects necessary, that the special council should be extended so that it might inspire more general confidence in the colony. The consequence of the present small number was a want of free discussion, which led to a want of confidence. The first alteration that was made by the present bill was to declare that the number of the special council should not be less than twenty, and that not less than eleven should be a quorum. The next alteration was in proposing to give a more permanent character to the acts passed by the Special Council. On this subject he would quote the opinion of Sir John Colborne, which was entitled to much weight, because that gallant officer did not often indulge in mere speculative views as to the future government in Canada; therefore, where he wrote so strongly as he did on this point, his opinion must produce a strong impression. Sir John Colborne in a despatch to Lord Glenelg, dated January 31, 1839, says—

"I beg leave to state to your Lordship that I am persuaded that the most important remedial measures required in the present state of the country are those which would tend to the reconstruction and enlargement of the judicature, to the establishment of registry-offices, to the commutation or abolition of the lods-et-ventes, particularly in towns, and the other oppressive incidents of the feudal tenure, to the continuation and completion of local improvements, and to the introduction of a well-regulated system of district police. With returning tranquillity, it is justly expected that the measures to which I advert will be speedily carried into effect, preparatory to the changes of a more difficult nature, which may be proposed for the permanent government of this province."

This referred to the necessity of giving a degree of permanence to the enactments passed previous to the re-establishment of a fixed government there. In a subsequent despatch dated March 15, Sir J. Colborne said:—

"I have adverted, in my despatch of the 31st. January, No. 24, to the benefits of extending the system of police, which has been introduced into the cities of Quebec and Montreal, to the rural districts. The continuance, however, of the police already established must depend on the enlargement of the powers of the special council, which can alone adequately provide for its support. Among other measures connected with local improvements, which in the present situation of the country, are highly desirable, and which must be deferred till the special council is invested with the authority to raise loans applied for by Lord Durham, are the establishment of inferior tribunals in every district, for the summary trial of petty offences, which may obviate the evil and inconvenience of bringing complainants and witnesses from remote distances; and the erection of court-houses and gaols. Whatever may be the restrictions which it might be deemed expedient to impose upon the exercise of the required important power by the special council, I cannot but express my opinion, that to promote the future tranquillity of the province, and to deprive the influential factious individuals who have long exercised a dangerous control in several sections of this province, the speedy concession of this additional power is indispensible."

The despatch of the Earl of Durham, dated the 18th June, 1838, adverted to the deficiencies in the legislative power of the special council, and recommended an extension of its powers, as regarded many necessary subjects of legislation, to which it was not necessary for him to allude in detail. Two subjects there were, as to which the want of some power of permanent legislation was most especially felt. The first of these was the abolition of the feudal tenure in Montreal, a measure most desirable, and one in which the ecclesiastics were very ready to acquiesce. A temporary ordinance for the abolition of this tenure had been passed already, but this only the more showed the difficulty created by the present arrangement, which confined the duration of the legislative powers of the special council to three years. The other subject was that of a general registration, one which had also engaged the attention of the Canadian Legislature during many years. As to the advantage which must accrue from the adoption of such a measure, there was no difference of opinion. On the contrary, it was much desired in a country where the transfers of land were so frequent, in comparison with what they were in this country, and where, therefore, it was obvious that the investments of capital in land would be impeded, and the profits derived from that mode of investment endangered or deteriorated, by the impossibility of establishing any title by registration, that was not liable to be set aside at the expiration of three years. To remedy these evils, arising out of the want of a power of permanent legislation in the special council, a provision had been made in this bill giving the special council a power of permanent legislation, subject to the approval of her Majesty, after having been laid before the Imperial Parliament. The next provision of the bill had reference to taxation. This was a subject which he approached with as much fear as any man; but at the same time he would not lose sight of the evil attending any attempt to bestow any power of general taxation:—with the restrictions now imposed upon the functions of the special council—restrictions which he conceived ought to be removed to the extent of allowing the special council to levy tolls and taxes for certain local purposes which were now totally neglected in consequence of the want of any permanent regulation. One object of the present bill was, to confer these powers on the special council with regard to local taxation, and he thought those powers might be very fairly extended to the establishment of schools. It had, however, been argued that these objects might be provided for out of the general revenue of the colony. He was sorry to say that the present state of the finances of Lower Canada did not offer an opportunity for anything of the kind, and that it was quite impossible to provide for any of those objects from the general funds. By a return of the revenues of Lower Canada for each year from 1833 to 1838 inclusive, it appeared that there had been from year to year a very great reduction, and that the amount of net revenue for 1838, as compared with 1833, exhibited a diminution of nearly one-third. In 1833 the gross amount of revenue was 212,971*l.* and of net revenue 147,712*l.* In 1838 the gross amount was 146,079*l.* and the net amount 95,547*l.* In 1833 the expenditure was 134,621*l.*, and in 1838 (including 94,174*l.* repayment of part of loan from the Imperial Treasury), it was, 224,050*l.* The balance in hand in January 1839, was 5,381*l.* Upon an analysis of the different sources of revenue, it appeared that one lamentable result of the recent disturbances had been a great reduction in the revenue on all exciseable articles. This circumstance afforded an additional reason for the immediate settlement of the affairs of Canada, for he need scarcely press upon their Lordships' consideration that in a country like Canada, if habits of industry were once disturbed in this manner, and the means by which industry was set in motion distributed into other channels, and means were not immediately adopted for the resuscitation of the internal activity of the country by affording every encouragement to the employment of capital, it would be impossible to say to what extent another twelve months of similiar circumstances would increase the evil. There was another alteration in the measure which related to the restriction upon the special council from interfering in any respect with any British statute introduced into Lower Canada. Much difficulty had arisen with regard to the provision in the act of last year, which was supposed to bear this construction. It certainly did appear to him that the original intention of that provision could not have been exactly that which its words would seem to import. By very high legal authority in the colony that provision had been construed to extend to the prevention of interference on the part of the special council with any criminal act passed by the Imperial Legislature. By two of the judges of the colony, the provision in question was construed to prevent the special council from suspending the Habeas Corpus Act. Those learned judges no doubt acted most conscientiously in delivering and maintaining that opinion; but it struck so much at the root of public safety, that the governor-general thought it necessary to take the strong and unusual step of suspending them from their functions. He now came to the recommendations contained in the report of his noble Friend, but he could not enter upon the general subject without first offering his tribute of praise to the intelligence and industry manifested in the compilation of that report. The Government felt that it was a document entitled to their most mature consideration; for at the same time that it was a subject requiring great attention and resources, founded upon a deep and accurate knowledge of the state of the colony, the report itself contained recommendations of a very novel kind. While, however, he thus stated his own sincere opinion of the merits of that report, and admitted the influence which the information it contained had naturally exercised over many of the subsequent, as it would no doubt over many of the future, deliberations of the Government on the subject of Canadian affairs, he must allude to one particular point upon which a great deal of excitement was known to prevail among those most likely to be affected by it, and on which the Government had the misfortune to differ in opinion from his noble Friend. He alluded to the theory of a responsible Government laid down in that report. He undoubtedly was of opinion that no form of popular government for a colony could be properly conducted, unless there existed a desire on the part of the superintending authority, that the executive government of the colony should, as much as possible, act in harmony with the representative body. But at the same time he quite concurred with his colleagues in opinion, that it was not possible in the present condition of affairs in the Canadas to act upon any plan by which the principle laid down and recommended by the noble Earl in his report could be effectually carried out consistently with strong and efficient government. Nor had the noble Earl, as he conceived, pointed out any mode by which his principle might be applied to the government of Lower Canada. He had himself had some experience in colonial government, and he must say he did not see how a government could act under the species of double and opposite responsibility which the plan of the noble Earl presumed. In what position would a governor be placed who was bound to obey instructions from the Home Government, and at the same time to act in accordance with the expressed opinion of the representative body of the colony, in the event of a conflict of opinions between those two. This was a practical difficulty which seemed to him not easily got over; at the same time he admitted to the full how desirable and important it was that the Imperial Government should endeavour, as much as possible, to keep up a continued harmony between the Governor of the colony and the House of Assembly. The Government, then, feeling themselves unable to adopt the principle of responsibility and representation laid down by the noble Earl in his report, had three courses pointed out to them as open for the settlement of the affairs of Lower Canada. The first was, the restoration of the old Assembly of Lower Canada, as far, at least, as could be restored, when it was remembered that many of its members had subjected themselves to attainder, and, therefore, would be unable to resume their functions, but still with the old majority devoted to the French Canadian interest, and very much if not entirely of the same character as the former majority. That scheme, however, was evidently impracticable and useless. No person could possibly expect from it any release from the difficulties in which the colony was at present involved. The second plan was one equally objectionable, though on different grounds. It consisted in a proposition to obtain a system of representation favourable to the Government, by means of a species of juggle to be resorted to in the organisation. There remained but one other plan at all practicable, and that consisted in an union of some sort with the other province. In the first instance, however, he must observe, that neither he nor his colleagues had considered that it would be fair to attempt the introduction of this plan, until a sufficient time had elapsed to enable Lower Canada to amalgamate fairly with Upper Canada, especially as Upper Canada desired that any such union should be coupled with conditions, which would have been by no means fair towards Lower Canada, and which would, therefore, have deprived the proposition for the union of all character of impartiality. The Government, however, prepared to introduce a measure of the kind proposed, in order that opportunity might be afforded to the colonies to consider its enactments. But on the day on which his noble Friend was about to propose that measure in the House of Commons, there arrived intelligence from Upper Canada, in the shape of resolutions of a committee of the House of Assembly, which showed the existence of a considerable degree of excitement on the subject, and a state of feeling not at all calculated to ensure a fair consideration of the measure. These sentiments were not confined to the legislative bodies, but were extended throughout the province. Now, though many persons might be disposed, and perhaps with truth, to regard the House of Assembly of Upper Canada as not representing fairly the public opinion of the province, yet it was the legally constituted authority, and the Government felt bound not to persevere in urging the other House of Parliament to come to a decision on this question, when they had not any decided assurance of support here, and at the same time they felt that they were not in possession of that degree of information as to the state of the public opinion in Upper Canada, to justify them in pressing the measure as one consonant to the feelings of the population. No doubt there were other reasons which also influenced the Government in the course they thought fit to adopt in withdrawing that bill, but he had stated the main reason for that proceeding. He could not conclude without adverting to an impression which had gone abroad, and which had been kept up for reasons for which it was impossible for him to account. It was, that it was not intended that there should be any legislation for the Canadas until 1842.

There never was any intention to postpone legislation till that period, and the only ground on which it was thought desirable that there should be an interval before there was any legislation was, that it was hoped that the social condition of Lower Canada would, in the course of time, become such as to render it a more easy task to amalgamate the province with Upper Canada. The expediency of this course had, however, not been felt by all; and the Government had been taunted by some, who cried out to them incessantly to "settle the question!" Some meant by a settlement of the question a restoration of the original government of Lower Canada: others, an annexation of the island of Montreal to Upper Canada: others again meant by a settlement of the question the adoption of some form of representative government that would not give a real, fair, and honest representation of the people. The other proposition for the settlement of the affairs of the Canadas involved a distinct admission and recognition of responsibility on the part of the Government to the representative Assembly. He need not speculate on the probable results of any such attempts, because under the peculiar circumstances of the great want of accurate information as to the state of feeling in Upper Canada, which it did not now appear to be what it had been originally supposed to be, and the recent excitement having appeared rather to favour the opinion that no union at this moment could have a fair prospect of success, as compared with what might be computed in more tranquil times. He felt that the Government had taken the right course in withdrawing the scheme for a permanent union of the two provinces, and merely calling for this temporary government, and for the amended provisions of this bill, for the purpose of supplying the deficiences of former Acts, and affording facilities for the investment of capital and the promotion of industry. He had now endeavoured to explain the provisions of this bill, and he would conclude by hoping that it would not prevent the due consideration of that more important plan of settlement, which, in order to ensure its passing into a law in sufficient time for its operation in 1842, it would be necessary to introduce early next Session. The object of the measure was to endeavour to establish in the province of Lower Canada such a system as would prepare the population for the introduction of capital, and the promotion of industry, and prepare them for that state in which they could participate in the advantages by which they would ultimately be entitled to a restriction of the privileges conferred upon them by former acts of the Legislature. The noble Marquess concluded by moving, that the House resolve itself into a Committee on the Bill.

Lord *Brougham* said, that the part taken by him in the various discussions as to this important colony, might lead their Lordships to expect that a bill of this nature, although recommended by the temperate and judicious statement of the noble Marquess—a statement as distinct as judicious—could not pass through even its first substantial stage without compelling him, however reluctantly, once more to press upon their Lordships those constitutional views which he had before in vain endeavoured to make acceptable to that House. But he stood now in a situation entirely different from that which which he had occupied last Session, and he should endeavour to show, that not the slightest shadow of inconsistency could be supposed to rest on that House or any individual Member of it, should they who last Session differed most slightly from the Government adopt now the same view of the principle clause of this bill, as that to which, after much consideration, he had himself come. The subject, according to the statement of the noble Marquess, divided itself into two branches:—the conduct of the Government, and the manner in which the Government had dealt with this question from the beginning of the Session up to the present hour; and next, the particular measure which was the only point of their deliberation. He deemed it absolutely necessary that he should first advert to the second of the two heads, not only because the noble Marquess had spent no little portion of his time in stating the grounds on which he defended the conduct of Ministers, but also because he thought, that the Members of the Cabinet had not well and faithfully discharged their duty to the Crown, the provinces of Upper and Lower Canada, the country, and the Parliament, by the course which, on this occasion, they had taken in respect of this great question. Therefore, before he came to the measure at all, it was his bounden duty to bring before them what he took to be a grave charge against the Government, in respect of the manner in which they had dealt with this subject. He did not wonder that the noble Marquess, temperate though his statement was, should have wished, as he said, to avoid all unpleasant topics, to shun all controversial topics, to eschew all matter that might give rise to charge and recrimination. Those in the position of the noble Marquess naturally avoided such topics as those on which charges was likely to arise. The noble Marquess, no doubt, did not wish much to advert to charges, until he knew what was to be brought against him and those who acted with him—till they were aware, that by recrimation, they would be able to work out their own defence. Those who stood on their trial were, of course, the very last persons to court what involved retrospection, when the retrospection had reference to their own conduct; therefore, if, at the outset of his remarks, he had spoke of the speech of the noble Marquess as temperate and judicious, of course he meant to qualify his praise of that temperance, by not ascribing any peculiar disinterestedness to his motives in that temperance. He would first deal with the treatment which, on his question, the provinces, the country, and the Parliament had met with on the part of the Ministers of the Crown. Abundantly sensible was the noble Marquess—abundantly conscious were all his colleagues, how much their course of proceeding stood in need of explanation; but if they would defend it after the dates, facts, and circumstances brought in contrast with their conduct before that House, then they were assuredly abler men and luckier men, if successful, than he had given them credit for. Last Session, Parliament signalized two great leading features of policy — one was the absolute failure of a motion which he had submitted to them, for the purpose of securing the interposition of the mother country on behalf of the half-emancipated slaves of the colonies, and on behalf of our fellow-countrymen in the East Indies, as the result of a most politic concession to some of our fellow-subjects in the West, but which had given rise to a practice by which the West had been humbled, disgraced, and degraded. The other great subject, which had been successfully and uniformly received with an alacrity as great as the peremptory denial with which the former measure had been met, was that relating to the affairs of Canada. It was asked to suspend the constitution of that colony—it was asked to put a stop to the representative government—it was asked to annul the legislative acts passed by the people's representatives—it was asked to thwart the almost unanimous desire of the people of the province, on the very ground that the people of that province were almost unanimous in their desire that the Parliament should not so treat them, and it was asked to appoint a dictatorship, the absolute government of an absolute dictator, in the place of the constitutional government which had before existed, on a parallel with the mode of government by King, Lords, and Commons. All these demands were granted—all these requests favourably received—all that was asked was given—for their Lordships and the Parliament refused nothing to the Crown, and he apprehended that they did so on the supposition, that the necessity of the case had been made out—and that was only one of the suppositions—that the absolute necessity was shown for the suspension of the constitution, and for the appointment of an absolute government in its place. Out of that necessity, and out of the inference which was drawn from it, they granted the application which was made, and out of the measures which were adopted arose another duty, which they never doubted would be performed, and which they were now called upon to perform, that of scrutinizing with a rigid eye the conduct of the government to which they had entrusted these large powers. But there arose another correlative duty, on the part of those Ministers, which was to lose not one moment in providing for the restoration of that constitutional government, from the instant at which the necessity ceased to exist, which was the only justification for the measure which had been adopted. Accordingly, when the Government met the Parliament in the month of February, alive to the duties which he had called correlative, in the very first speech of the Session, in the Speech delivered from the Throne—met the Parliament with a communication from the Crown, calling upon Parliament immediately to direct its attention, and to exercise its wisdom, in the serious consideration of this important subject. Months passed away. The noble Marquess said, it was not until June that anything came over from the colony to interrupt the course of proceeding adopted by the Government for providing for the wants of the province. He dated it in June, and this was one of the reasons for which he (Lord Brougham) had told the House that it was by the dates, contrasted with the conduct of the Government, that he meant to substantiate his charge. The noble Marquess had told the House, that it was in June when first there crossed the Atlantic anything to alter or modify or vary the course which was then being pursued. But what happened between the months of February and June? Had March fallen out of our calculation, had April ceased to exist in the calendar, and was May no longer to be found in the history of the Session, or why was it that February, March, April, and May were all suffered to elapse before a vestige of excuse was given for the inaction which had existed on the part of the Government, or to attempt to enable the Government to account for having suffered four months to elapse before a single step was taken to redeem the virtual pledge which was given by them, and which was put in the mouth of the Sovereign, and to which an address was obtained, which was the echo of the Royal Speech? But something had been done. May did not altogether elapse without some step being taken, for on the 3rd of that month a message from the Crown came down calling upon the Parliament, without further delay, to apply their minds to the subject of Canada. Then it was supposed that some measure was in contemplation—then it was taken for granted that the Government had considered the question—then it was concluded that they saw the plan which was to be proposed, because he had never yet heard of any system of vacillation or imbecility, in such a case as this, in which the Crown called upon Parliament to legislate, unless the Ministers saw their way to the measure, which they were prepared to lay before Parliament. It was concluded, therefore, that on the 3d May, when the message came from the Crown, the measure for new modelling the constitution of Canada had been considered and discussed, and licked into shape, and adopted, and nothing but a statement, almost incredible, could make him believe the contrary. The probabilities were all in favour of the suggestion which he had thrown out, for if on the first day of the Session, the Ministers told Parliament, through the Speech from the Throne, that they must attend to the affairs of Canada—if they had abundant opportunity to attend to it—if during the months of February, March and up to the beginning of April, when the Easter recess commenced, they might have attended to it—having made it the subject of a prominent and leading paragraph in the royal speech—was it likely that they would not have framed some measure upon the subject? Did not every one know that during the whole winter Canada and Canadian affairs were the topics of conversation in all circles, and, in fact, that there was nothing else to be discussed? Last of all, there was another reason for saying that it was eminently probable that the Government had determined on some measure before the month of May. His noble Friend (the Earl of Durham) the late Governor-General of Canada had laid before Government, the Parliament, and the Country, a report of very great ability, showing very great industry, great resources, deep, if not successful—for some persons differed on that point—but, at all events, assiduous, able, and skilful attention to the details, as well as the principles, of the measure by which the colony ought to be governed. Noble Lords might differ from the recommendations of that report, and the noble Marquess had argued against one of the principles which were recommended, but, at all events, it was what the lawyers would call notice; it did occupy attention (he had that from the noble Marquess himself), and he ventured to say, with as great certainty as if he had been in the room when it was read, or in the cabinet when it was discussed, that before February was at an end, every one Member of the Government had read and considered his noble Friend's able report, going through the whole subject, sifting it in all its details, and arguing and viewing it in all its lights, and that there was not one Member of the Government, of the Cabinet, or not of the Cabinet, who had not got it almost by heart. Well, then, the 3d May having come, he should have thought that a message being sent, and the House being called upon to give an answer to it, and having given an answer that it would take into consideration anything which might be laid before it, would have led to the conclusion that before many days had elapsed, out of respect to the Crown, and out of respect to subject itself, the Government would have stated the plan which they desired to be adopted, and would have called upon the House to discuss their measure in obedience to the pledge which they had given, at their instigation, in answer to the message. How was a neglect of this duty accounted for? Twenty-eight or twenty-nine days elapsed and no notice was taken of the question, for the House was just left to stare and look vacant, without anything but a void before their eyes to fill up the blank; only reflecting that a message had been received, to which an answer had been given, and that it was ready to act upon both when the Ministers should enable them to act upon either. But further, to this message of the 3d of May it was expected that a correlative matter would be appended, and that it would be conveyed to the other House of Parliament as well as to their Lordships. Such was the case; but he had looked through the votes and minutes of the proceedings of that House in vain for any one notice being taken of it; and he would venture to say—he was not so great an observer of the laws of etiquette as some of their Lordships, and particularly of the etiquette existing between the Parliament and the Crown, although he did not think that to be in anywise unnecessary—and he could not help feeling that it was somewhat strange that this was the very first time in the course of the parliamentary history of this country on which a message sent from the Crown to the House of Commons had been passed unnoticed so long as from the time of its being delivered at its bar to this moment. This, perhaps, would have signified little, if the substantial question had been attended to; but if etiquette were set at nought, common sense and justice ought not to have been passed over. He then came to one of the most singular, unprecedented, and anomalous notices which he believed had ever yet been found in the history of a human Legislature. The Ministers in the other House came down first with one bill and then with another, and it was then stated that one bill was to be pressed and not the other, and then there was a doubt whether either should be pressed or not; and then, finally, it was resolved that the one should be pressed and not the other, and that the latter was to be put off for the year, and that it was to lie there, and sink, or be buried, for it was hard to say what was to be done with it until some other Session should bring the question to an issue. Now, on these facts and on these dates the noble Marquess had founded his explanatory vindication to-night, arising from a sort of history which he gave of the course of the Government, and this was his doctrine—whether it was one which was probable or not he should ask the House. "The reason why the bill was not pursued when it was brought in, and why proceedings were suspended upon it, if it were not withdrawn, and allowed to lie over, was, that, after the 3rd of May, and after the measure had been propounded in the other House of Parliament, there very unexpectedly came over from the colony intelligence which had not been reckoned upon, and which showed that the colony did not approve of the bill, and that it would not be fit to press it this year." A multitude of reflections, some in point of principle, others in point of fact, instantly crowded upon his mind, and almost bewildered him on hearing this most extraordinary explanation. First, that the Legislature of the mother country should be called upon to adopt the principle of staying its legislative course because the colony disagreed with it, was a principle which somewhat startled him; but next, that in this particular year, 1839, it should be a sufficient ground for staying proceedings, it being the year after the year 1838, when the Canada Bill had been passed, in the face of the unanimous wishes and desires, and the strongest passions of the people of Lower Canada, that they should hold their hands because a vote had been passed by one province, when last year they suspended the Constitution when that course was unanimously opposed by the other colony, was still more startling. But why had they stopped legislation for Canada—why had they stopped the confusion, as some termed it, the union, as others called it, of the Upper and Lower Provinces? Why was not the Lower Province to be consulted as well as the Upper? The Lower Province was much more important than the Upper—it was more populous, more wealthy, and more popular, and yet not a moment's attention was bestowed on the wishes and desires, and the excited feelings of the people of Lower Canada. It was for the purpose of coercing Lower Canada, and overwhelming the French Canadians in Lower Canada by the influx of British from the Upper Province that the union was formed. Lower Canada was never to be consulted at all, its wishes were to be disregarded, and its reasons neglected; but the instant a narrow majority of the Upper, the smaller province, protested, that was said to be a sufficient reason for stopping short in that course of legislation which they had been so solemnly and so repeatedly pledged to pursue. That was the sum and substance of the defence of the Government. But sometimes from the ruder and rougher individuals (continued the noble Lord) who carry on the concerns of nations—sometimes in a small parenthesis, and in an under tone—they drop out phrases which possibly—I only put it as a possibility — which peradventure throw more light upon the whole conduct of the party than all the elaborate reasons, than all the prolix statements which have been formally put forth in explanation of measures in question. "There were other circumstances," said the noble Marquess, "just about that time, which made it expedient not further to press the measure." I believe there were. There is no part of that statement on which I throw any discredit. I verily do believe there were "other circumstances." Just guess what they were. We were desired to direct our attention to one particular point. What think you of withdrawing the confidence of one House of Parliament from a Government that never had the confidence of the other? What if it were withdrawn on a particular question relating to colonial affairs — relating to the interposition of the mother country? What if it had just so happened that the Jamaica Bill had been lost, and it was not expedient to risk the loss of the Canada Bill, which was very likely to follow? Well, it appears there was great consultation, and great consternation, just about the very time of the arrival of the news from Upper Canada; and when the news from Upper Canada came the light dawned, the clouds dispersed, the heavens opened, every heart was cheered. "Now," said they, "we have a ground for doing what we have for the last two or three days so anxiously desired—now we have an excuse for putting off the Canadian Bill—do not let us have another Jamaica Bill, for we have had enough of Colonial bills for one year." That does appear to be the grossest inconsistency one can imagine—that they should be driven from one measure because the Upper Canada Legislature did not agree to it, when they had, because of the disagreement of the Lower Canada Legislature, carried through a measure to suspend the Constitution as well as they had carried through a measure of coercion for the Assembly of Jamaica. What is the plain English of all this? Government calls on Parliament to help them to put off the evil day of another conflict upon the legislation of the mother country on colonial concerns, by allowing the bill to lie over to another Session, and in the meantime aggravating the unconstitutional measure, extending the despotic proceeding, enlarging the Ministers' powers, which last Session they obtained from Parliament, before they had pledged themselves to bring in any general and permanent measure. But how long is this to last? For what consummation of future events are we to wait before that can be done, which, on February the 5th they called on Parliament to attend to, and virtually pledged themselves to help Parliament to do; and which, on May the 30th, they had, after three or four months' consideration of the whole question, made up their minds upon and resolved to do — what is the consummation of events now in the womb of futurity, for which we are called on to wait, before we can ultimately be enabled,—we to redeem our pledge and the Government to do their duty, according to the Speech from the Throne? Anything that is likely to happen in Canada during the summer? Any change the noble Marquess can fancy will take place before the meeting of Parliament next spring? If there were any hope of that kind held out—if there were any probability in the nature of the case of any change of circumstances, or any specific event happening to alter the present state of things out of which the noble Marquess says their difficulty, real or fictitious, now arises, I could listen to it and understand it. But there is nothing of the kind. We are desired to wait till events, the most distant and uncertain that man's imagination can conceive, can take place. We are called upon to wait until, capital flowing into the province—social improvement taking place—education and preaching performing their office —until the society of the two colonies shall be so improved—until such progress shall be made therein, that men's minds shall be changed, and the progress of public opinion will be such, and the soothing effects of events—no of time—until the soothing effect produced by a long lapse of time shall have enabled you to hope for a better understanding with the Province of Upper Canada! That's the budget of hopes, expectations, and improvements, which the noble Marquess has opened to night—and on the faith and credit of which he calls on us to approve of the conduct he has explained, and has so defended. I therefore, my Lords, am clearly of opinion the Government has abandoned its duty or the Canadian affairs—that it has not redeemed the virtual pledge given in the speech from the Throne—that it has not redeemed the specific pledge given in the Royal Message—that it has not brought forward the measure which it had framed and adopted on the 3d of May, when that message came down and that it has been guilty of all those laches, all this neglect all this dereliction of duty, all this abandonment of its office as a Government (for that's the fact—it is no Government)—it is no Government that acts so—it has no right to be called a Government that acts so—it may have the emoluments, the patronage, the outside show, but the substance of a Government it has not. It has not the title to a Government—it has committed all these abdications (I call them no less)—all these abdications it has committed, because after the fate of the Jamaica Bill, and the bed-chamber intrigue which restored the confidence of the country and restored the confidence of both Houses of Parliament, and enabled them to continue attempting to govern the country—because after all that, it failed, and was convinced it dare not go on with this Canada Bill, and that if it had gone on with it another vote of the Commons would have led to another resignation. This is the plain English of the matter—that is the explanation—this is the meaning of the little parenthesis, and whether it betters the case of the Government or its defence, I leave respectfully but confidently, to your Lordships to decide. Having dealt with the second part of this question, I come now to deal with that which is more important, though not unconnected with the first part, because if a Government shows me that an unconstitutional measure is necessary, or that an extension of large or unconstitutional power entrusted to its hands is necessary to be continued, and necessary to be given—continuing the powers and increasing them—that would justify my vote on the second part of the case, in favour of the present motion; but if I do not believe a word of the necessity, but that the necessity stated is not anything more than a pretext—if I do not believe that anything expected in Canada will tend to improve Canada in its social state, taking that in connection with the gross dereliction of duty on the part of the Government, and their bringing in this arbitrary measure, then I say that the Government does not do its duty towards the Province, by neglecting now to bring forward a measure for the settlement of its affairs. The first clause continued the noble and learned Lord was exceedingly proper, it through out the measure of last Session. It appointed a Council of twenty instead of a Council of five. The noble Marquess, however, was in error in supposing that the former Bill limited the Council to five. By that bill the Governor had a power of appointing a Council of twenty or of fifty. The proposed measure, therefore, did not enlarge the powers of the Governor, it merely fixed the minimum at twenty instead of a five, or more strictly speaking, it fixed the minimum at eleven, because although twenty must be appointed, eleven only need attend to act. But now came his objection to the bill—the second clause. He did not believe that even the proposers of this measure themselves were fully aware of the extent of this provision, or understood accurately, because the argument of the noble Marquess would be satisfied by a measure entirely differing from this second clause. What did this clause propose? By the former measure, under the provisions of which his noble Friend had assumed the Government of Canada, the Governor and Council were only empowered to make laws which should end with their own existence. These laws could not possibly continue in force beyond the 1st November, 1842, unless they were re-enacted by the constituted authorities, they could endure for no longer a period than the period of the dictatorship. He used the word dictatorship without any meaning of disrespect for his noble Friend; because he felt assured that if there existed one man who could more safely than another be entrusted with dictatorial powers, it was his noble Friend, on account of his honour and integrity, and his known attachment to the principles of civil liberty; but he made use of the word merely for shortness. It was most properly considered that the laws enacted by a dictatorial power should last no longer than the power itself lasted to which they owed their being. The dictatorial power would expire in 1840. In order to prevent confusion, and to give the constituted authorities time to enact the laws which they might deem requisite, these laws were permitted to exist for two years longer; but in the year 1842, all these laws thus enacted by the dictatorial authority must of necessity expire, except they were re-enacted by the constituted authorities. But this bill gave the Governor, who was nominated by the Crown —removable at the pleasure of the Crown —bound by the authority of the Crown—with the advice and assistance of any eleven persons as his council, who were also nominated by the Crown—power to make laws for this colony which were to last for ever. But it was said they were not to last for ever—the Legislature of the colony or of the mother country possessed the power of repealing them. He replied they had—but to insure this repeal it was necessary to obtain the consent of the Crown—and he said this on behalf of the people, who might be aggrieved or oppressed by any acts of the Crown; it was necessary to procure the consent of the Legislative Council, and he said this on behalf of the Crown and the people, who might feel themselves aggrieved or oppressed by any laws giving an undue preponderance to this the aristocratical branch of the Legislature; it was necessary to obtain the consent of the popular assembly, and as he said a small word on behalf of the people just now, when he alluded to the possibility of their being oppressed or aggrieved by the Crown, so now he said this on behalf of the Crown and of the persons of property forming the aristocracy of the colony, if such a thing as an aristocracy could be said to exist there, who might feel themselves aggrieved and oppressed by a turbulent or anarchical democracy. Suppose any question had passed the Governor and Council which pressed sorely upon the subject—suppose a law were passed giving the absolute power of life and death to the Crown—making the judges dependent, giving the Crown the absolute power of punishing, coercing, imprisoning, or putting to death without form of trial. As the law at present stood, that power would expire in 1842—it could not be extended beyond—but as the bill stood, unless the Crown consented to the repeal, as well as the two branches of the Legislature, the power remained for ever. So that if the Crown had grappled absolute power during the three years it could retain it as long as it chose. But suppose the Governor were to choose to enact an ordinance establishing Universal Suffrage—Vote by Ballot—Annual Parliaments, under the existing law, such a regulation would expire in 1842. He knew it had been said, that such an Act could not pass on account of the provisions of the Canada Act, but he entertained considerable doubts on that subject, and surely their Lordships would not legislate on a subject of such vast importance, when grave doubts could be shown to exist as to the construction of that Act. His first ground of doubt was, that only words of limitation were contained in the clause, which was not a clause of proviso. The words were, that the Provincial Legislature should not have the power of doing any thing repugnant to that Act. It did not say repugnant to any enactments of that Act, or inconsistent with that Act. Now, that provision would be abundantly satisfied by any measure that did not go to make any alteration in the Legislature—such as making laws without the intervention of the Assembly, or making laws by means of their assemblies. This would leave an enormous margin within which the Governor and Council would have the power of legislating with respect to the constitution of the Canadian people. Besides, there was a section in the Act recognising acts made by the Canadian legislature, in the teeth of the provisions of the Act itself. It says, they must be laid for thirty days before both Houses of Parliament. It might therefore be very reasonably contended that this Act was never intended to bear the construction now attempted to be put upon it; and as the Governor was not restrained from performing all acts that might be performed by the Canadian legislature, and as he could only be restrained from performing the acts to which he had alluded, on the ground that the Canadian legislature was restrained from doing so by the Act alluded to, he claimed from their Lordships not to give this power unless they were prepared to sanction the establishment of any system of government, be it either an uncontrolled despotism or an unrestrained democracy. He would now suppose some instances of the manner in which this power might be exercised. Many might entertain doubts as to the propriety of his construction of this statute—many might even entertain no doubt whatever, but might unhesitatingly come to a decision against him. He would, for the sake of argument, suppose he was wrong. What was there in the clause to prevent the Governor and Council, in the exercise of the legislative authority, making a law, that there should be no appeal in a case in which the matter in dispute should be under the value of 10,000*l.* All appellate jurisdiction might be at once destroyed. Again, the right of voting at present resided in persons possessing freeholds of the value of 40*s.* Assuming the Governor had not the power by the Canada Act of altering this qualification to 1*s.* There was nothing to prevent his altering currency in such a manner as to make one penny of real value, of the nominal value of 40*s.*, and thus give a vote to every man possessing one single pennyworth of land in the colony. There was nothing said as to the method of taking votes. He now came to a subject which he imagined would affect their Lordships—the subject of the ballot. There was nothing said in the Canada Act as to how the votes were to be taken. It provided that the Assembly should meet once in four years, but there was nothing said against Parliaments meeting once a year—there was nothing against Annual Parliaments. Would that be to their Lordships' taste? There was nothing to prevent it, and if once established, it could onlyb e abolished by the consent of that Parliament which it called into existence. There was nothing about the method of taking votes. What would their Lordships say at finding the ballot introduced—when they found the ballot had been made an open question by the Ministers of the Crown—by a Cabinet which professed to repudiate the ballot—and which, seeking to reject it altogether, lent it on that account the full support of its own venerable authority—modestly supposing that the more energetically it was supported by them, the more certainly would it become the rejected of all the rest of mankind. But suppose a Member for Manchester—a future Chancellor of the Exchequer—should be waited on by some of his constituency, who should say to him—"It is certainly an improvement, you having made the ballot an open question, it has secured some few votes, but you must do something more—give us the ballot in Canada, that will make up for your having made it an open question in this country, and by giving it your support retarded it." Or suppose, throwing aside all these pretences, the Government in a straight-forward and manly manner should say, "We have made the ballot an open question because we approve of it, at least we think it will please our supporters, and secure us a few more votes; with that view we have lent our aid, very feeble it is true—as a set off against our feebleness in its support in England, let us go further in Canada—

'Fiat experimentum in corpore vili'—

Let us see how it works in that country. If the ballot were once established there it could never be repealed, for the Assembly, called into existence by the ballot, would never repeal it; and having once been made an open question in this country, depend upon it you would never get a majority, however narrow, of the House of Commons, to consent to the repeal of the ballot when it should once be enacted in Canada. He beseeched their Lordships not to give to any men the power of inflicting upon the people of Canada, by their dictatorial laws, either the horrors of unmitigated despotism, or such wild anarchy and confusion, as must be painful to all lovers of peace and good order to contemplate. Even the wild and savage Romans the people of all antiquity, who understood and valued liberty the least, although the word was always on their lips, and who resigned the small portion of it which they enjoyed almost without a struggle, even they, ignorant and careless as they were on the subject, when they chose a dictator, never entrusted him with legislative functions—he was entrusted with the power of the sword—which was sheathed immediately the law wrested it from his hands, all the acts of his dictatorship expired with the power which gave them birth and were sunk for ever in oblivion. But in a country which understood the principles of liberty in as great a degree as the ancient Romans were ignorant of them—which loved liberty to the full as much as the Romans were indifferent to it—under the British Constitution, the model to which all nations looked up with admiration, and which all were ambitious of imitating, it was proposed to institute a new and monstrous species of dictatorship, unknown even to the savage Romans, the effects of which would be perpetuated even after itself should have passed away, and the condition of its existing, the necessity by which it was called into being, should have ceased. Nothing but a necessity the most imperious could have justified the creation of such a dictatorship—a necessity that could not be argued with, and which to hear was to obey; but when that necessity ceased—when the condition of its existence was at an end—it should cease and be at an end also. To whom could he look for help? To those who had always been loudest and most enthusiastic in their aspirations for the cause of freedom—to those who were supposed to be desirous of power only the more effectually to serve the cause of liberty—to that party which had been described by an eminent female writer as those who loved liberty and tolerated kings, while their adversaries the Tories loved kingly power and tolerated the Constitution? Was it to them, the friends of the Constitution, who had reasoned for months about abdication—a word, by the bye, which seemed well understood now-a-days—was it to them he was to flee for refuge from the "pelting of the pitiless storm" against the Constitution, which now raged and threatened? He found they were the authors of the tempest, that they had unchained the blast. Where, then, did he fly for refuge? To their Lordships. The case was before them—it was their's to decide. To their calm and deliberate judgment he appealed, and he knew that he should not appeal in vain, against what he held to be a departure from all principle, an inroad upon all freedom, the destruction of all constitutional rights, compared with which the original measure itself was merciful and constitutional. But he must not pass entirely over the reason given for this measure. What was it? That whereas improvements in public works required the raising of moneys, these moneys could not be raised but by loan, on better securities than temporary Acts. Well, he had framed his alteration accordingly, confining its operation to the particular exigencies stated by the noble Marquess to be necessary. Let the loans be raised, and on permanent securities, and let the Constitution in other respects stand; and to make this quite easy, he had copied the very words in a following section of the Act itself, where the power of taxation was limited to particular purposes. This was the second time, and only the second time, in which the power of taxation had been required. All the arguments which had been used against the Canada resolutions in 1837, and afterwards in a protest which other noble Lords had signed with him—would apply with additional force to the clause in the present Act. But if it were considered necessary to allow money to be raised for specific purposes, and none others, all he entreated of their Lordships was to apply the same restriction to the powers of the second clause as to the powers of legislation not extending beyond 1842. He was against giving the power of taxation at all; rather than allow such a departure from the principle of the Act of 1778 he would that the money were lent by England, till the Government of Canada was remodelled. The noble Marquess had said that there were three modes of dealing with the question—that two, having been universally condemned, there remained but the one, which had been submitted to Parliament, that one was, to restore the Canadian Constitution immediately; the second, to proceed with a bill for remoulding the constitution on a basis recommended in the royal message, the union of the two provinces. The third, the present bill. Was it not time to enquire, when they saw the difficulty they had got into—whether the necessity continued to exist which was the pretext for subverting the Constitution? He was told it was clear that the necessity continued. But every thing had been quiet in Canada for some months. Still it was said the necessity remained, because the majority of the inhabitants were against the Government. That, in truth, was the difficulty of their position. Now, he was cheered last night, by the Queen's Ministers, when he had said to his noble and learned Friend opposite, that the disproportion of Catholics and Protestants was the difficulty which his noble and learned Friend had to grapple with in Ireland, and that it was to the necessity of the case he must submit. But if the argument was good for Ireland it was good for Canada. Why should the conduct and the policy of the Government in Ireland be a contrast to their conduct and policy in North America? They never could hope to have an English majority in Lower Canada; they could hardly hope for such a majority even in a union of the provinces; and the difficulty and embarrassment now felt on this account, would be equally felt in 1842. His advice was, restore the Constitution, making such changes as were upon deliberation found expedient. Let it not be suspended an hour beyond the time required by the necessity of the case. But if their Lordships must pass this measure, to enable the Government to abandon its duty to the province of Canada, by relieving them from the task of bringing in a proper and final measure; pass it in such a shape as he had attempted to describe, and by which they would gain not only the gratitude but the admiration, and he would say the veneration, of all their fellow-countrymen who had any regard for the rights of the people, for the privileges of the Crown, and the principles of the Constitution.

Viscount *Melbourne* said, his noble and learned Friend's speech naturally fell into two divisions: the first part comprised his attacks upon the conduct of the Government; the second treated of this important measure. In treating of the conduct of the Government from the beginning of the Session, his noble and learned Friend had adopted exactly the same line which had been taken by the noble and learned Lord opposite last night, by going through the history of the Session; giving the dates at which any steps were taken on the measure; dwelling on the periods which elapsed between those several steps, and from those dates and those intervals inferring, that the Government had been guilty of great delay, and charging them with having abdicated their functions and shrunk from the proper exercise of their duties, and charging them with this in language and with all those terms which the eloquence of his noble and learned Friend enabled him so copiously to supply. But he begged to say, that this was not a fair way of putting the case; that though it was possible to put these topics in striking lights, and dwell on this length of time and this appearance of delay, and hence to infer, that those who had the conduct of this measure were guilty of those delinquences with which they had been charged, still, he repeated, this was not a fair way of putting the case; but, that it was necessary, for obtaining a clear and fair view, to take into consideration the whole events of the Session; that it was necessary to state the measures which had intervened; that it was necessary also, to state those which had been postponed. With all these considerations left out of view, it was not fair to infer, that the Government had been guilty of neglect, supineness, and delay, and all those faults which had been so vigorously charged upon them both at present and last night. However, he thought his noble and learned Friend had thrown away much energy and eloquence in proving that which nobody denied—namely, that it was the intention and the feeling of Government at the beginning of the Session to proceed as soon as possible to legislate for Canada. That was undeniable; but information had since reached them, grounds had since been found for changing that determination. That was perfectly clear. But the fact was, his noble and learned Friend might have found much better grounds for his assertion than he had taken; because he in that House, and his noble Friend in the other, had stated, early in the Session, that Government contemplated passing some measure of legislation for Canada before the end of the Session; that such unquestionably was their anxious desire; that they thought so many advantages presented themselves at that time; and that they were anxious to carry a measure before the end of the Session. It was clear, that in that state of Canada it was very desirable to frame such a measure as would heal the wounds of that country and bring to a conclusion the existing dissensions; and he entirely agreed with his noble and learned Friend, that it was the duty of her Majesty's Government to make the cessation of the Government in Canada as short as possible, and to re-establish as speedily as possible that representative constitution without which, or something like it, he readily admitted, that, looking at the state of things in that country, and the nature of its society, it would be quite impossible ever to establish peace, prosperity, and happiness, and attachment to the mother country. But they must take care, that their measures for the purpose of re-establishing the constitution were wise and prudent; and though he admitted the necessity of a speedy settlement of the constitution, he would not sacrifice to that necessity matters of greater importance—namely, that the settlement should be real, satisfactory, and conclusive. But his noble and learned Friend asked—are you to stop legislating because the Assembly of Upper Canada does not approve of the measures you propose; and are you to refuse on this ground to legislate in the very next year after you set at nought the wishes of all the people of Lower Canada? He replied, that they did not set at nought the wishes of all the people of Lower Canada; on the contrary, they were in unison with the wishes of a great part of the people of that part who had always shown attachment to this country. Those whom in fact they set at nought, were those who rebelled against this country. Surely it was a strange reason for condemning the conduct of the Government to say, that they paid that attention to the feeling of the loyal and patriotic part of the people which his noble and learned Friend would have had them pay to the disaffected and rebellious. He admitted, that it would have been better that they should have legislated for the re-establishment of the representative constitution this Session; but it was better that they should delay than precipitate measures, and do that which would be unsatisfactory, and which would not terminate the calamities which had afflicted that country. His noble and learned Friend said, that the disapprobation of the colonies was a strange reason for stopping legislation; but this was not a strange reason, nor a bad one, for stopping legislation—that the course they were about to pursue turned out to be not satisfactory to the colonists themselves. In his mind this was an imperative reason for taking more time for consideration. You must have in these colonies, as the noble Marquess had observed, and the noble and learned Lord had agreed, a representative Government; then, in order to establish a representative Government, if you will, establish a House of Assembly, he did not see how it was to be done in any other way than by an union of the two provinces. But when the measure for that object came before their Lordships, then the terms and conditions on which they would do that might be settled. It would be mere madness to impose on these colonies an union upon terms and conditions which there was reason to suppose at the time would not be acceptable, and would not ultimately be approved by their inhabitants. Seeing that such great difficulties impeded the adoption of the only plan proposed, he concluded that the only rational and prudent course left was, to take some time to consider the circumstances of the case, and see if by any means they could reconcile the colonies to the adoption of the plan. He said, that so far from Ministers having incurred any blame on account of the delay which had taken place, they would have acted most rashly and most imprudently by taking any other course; and it was, in his opinion, most fortunate that they had not at the beginning of the Session hurried on this measure, and so brought it to a settlement, which, possibly, would have been itself only a beginning of new difficulties, new troubles, and new discontents. His noble and learned Friend had exhausted himself in a lavish display of that power of declamation which so greatly distinguished him, applied to the speech of his noble Friend who had brought the measure under their Lordships' consideration, as if his noble Friend had said, that their Lordships should await the lapse of time, the progress of improvement, the influx of capital into the country, the spread of religion, and the efforts of education. But his noble Friend said nothing of that kind, nor were his observations at all open to those animadversions. His noble Friend meant, that from the state of opinion which appeared to prevail in the colony, and the difficulties that might be apprehended to follow the passing of that measure at present, Ministers were not now prepared to recommend it to Parliament, and that, with all the disadvantages of delay—for delays he knew were always attended with disadvantages—it was better not to precipitate the bill at this conjuncture. It was entirely to these motives, and not to motives connected with any domestic affairs, or with internal considerations such as those to which his noble and learned Friend had adverted, that this change of opinion was to be ascribed. He supposed, however, that their Lordships would not give him credit for this asseveration, if he made it; and, therefore, he would not trouble himself to state to their Lordships, that which they might possibly disbelieve, but he could assure his noble and learned Friend, that he was perfectly mistaken in attributing to the causes specified by him the change in the determination of Ministers. He did not feel at all pressed or affected by the argument of his noble and learned Friend, and he was confident that the Government had acted with the greatest prudence on this question. His noble and learned Friend had said, that it was not his intention to offer any opposition to the motion for going into Committee, but had expressed much indignation at that clause of the bill which enacted, that laws made by the Governor and Council should be permanent, instead of having a limit, as was provided in the last bill, placed to their duration. Now, in the first place, he did not exactly admit that it was a necessary principle of law or government, that laws passed by a government of an arbitrary or unconstitutional character should therefore be invalid. He apprehended, that in the history of all nations, there were to be found many laws proceeding from authorities of very doubtful legality, yet in themselves of no doubtful benefit. But the reason of the provision had been very distinctly stated by his noble Friend who proposed the bill. His noble Friend had told their Lordships that those bills which had been made necessary by the suspension of the constitution of Canada must be passed, and that in order to create confidence, and establish a sufficient security for the loans of money, the bills must be permanent. His noble and learned Friend admitted this necessity; but then he said that bills of the most violent and extravagant kind might be passed by the council—bills establishing a despotism on the one side, or an anarchy on the other. His noble Friend tried to alarm their Lordships by visions of bills obnoxious to their peculiar opinions, bills for annual Parliaments, vote by ballot, and universal suffrage, thinking he had touched their Lordships on the raw part there. He certainly did not think there was any compliment implied to their Lordships in that; it showed no great civility; it was no great testimony to the firmness of their understanding or their freedom from superstitious fears. He was sure they would consider the clauses only as they stood in the bill, and not suffer themselves to be deceived by the vain figments of his noble and learned Friend's warm imagination. There seemed to be no reasonable ground for apprehension, that a governor sent from this country to Canada, and a council selected by himself, would pass such wild measures, and inflict on the colony those tremendous ills which their Lordships dreaded would result to this country from democratic sway. Besides this, before these bills were confirmed as laws, their Lordships would have thirty days to consider them. As to what his noble and learned Friend had said, that there was no security that either the Legislature of Canada, or the Parliament of the empire would ever repeal a bad law, that was no more than saying, that he had no confidence in the Constitution of the country—no confidence in its authorities, and that if any absurd or extravagant thing were done, there would be neither prudence, sense, nor discretion enough to remedy it. He really thought, if he might employ without offence a word which had been lately declared to be an offensive term, that his noble and learned Friend dealt frequently in a little exaggeration, but on this occasion he had out-heroded Herod, and out-exaggerated himself in the way of conjuring up vain fears, infinitely greater than could ever be realized. With respect to the observation of his noble and learned Friend, that the Ministers received with great approbation his arguments relating to Ireland, but not with the same degree of approbation those that related to Canada, he did not admit its justice, but, at the same time, he fully admitted, that in both countries great difficulties encountered their efforts arising from the nature of the population. The noble and learned Lord would recollect that he (Viscount Melbourne) would unquestionably have dealt with Canada exactly as he now was dealing with Ireland, supposing that the circumstances, situation, and conduct of the two countries had been the same. The difference was, that the Irish population had been always a loyal population. He believed the noble and learned Lord opposite was of a different opinion; but he considered her Majesty's Roman Catholics to be attached to her Majesty, and loyal to the Crown. The noble and learned Lord opposite, he knew, considered them as aliens in blood and disposition. That was the noble and learned Lord's view. There was a boundary between them which could not be overstepped, and that unquestionably accounted for the different manner in which the noble and learned Lord viewed these subjects; but he thought that the difference between Canada and Ireland was, that Ireland had been loyal and Canada rebellious, and, he much feared, might persevere in that rebellion.

The Duke of *Wellington* had never felt the smallest surprise at the delay in introducing a measure for the settlement of Canadian affairs, which had been recommended in the Speech from the Throne, and afterwards in a message from the Queen, and actually at length proposed to and printed by the other House of Parliament. He confessed he had never been so surprised in his life as when he heard the message of the 3rd of May delivered to that House, and he should certainly have stated some objections to the Address moved a few days afterwards by the noble Viscount in answer to the message, if he had not received intelligence, on the day before the Address was moved, of certain proceedings in the legislative assembly of Upper Canada which declared the desire of the legislature of that province to see carried into effect a legislative union between the two provinces. He had not himself meant to make any objection to a measure which seemed to be wished for by the legislature of one province, and might probably be so in the other, because he thought it would be right to return a cautious answer to the message from the Throne. He had, therefore, certainly not stated his reasons for thinking that the question was not then ripe for decision. It was his opinion that the question had not been ripe for decision at the commencement of the Session, that it had not been ripe for decision on the 3rd of May, that it had not been ripe for decision on the 20th of June, when a noble Lord had postponed the bills in the other House of Parliament, and he was convinced that it was not ripe for decision at that moment. It was on that ground that he had given its consent to the second reading of the bill, and that he now gave his consent to going into committee upon it. His opinion was, that before their Lordships could effect what was called a settlement of the affairs of Upper and Lower Canada, they must first establish peace and security within those provinces. But they had not established peace and obedience to authority in these provinces on the first day of the Session—they had not done so on the 3rd of May—they had not done so on the 20th of June—they had not done so now. That was the misfortune of this measure. The province of Lower Canada, as had been stated by the noble Viscount in the last sentence of his speech, was in a state of rebellion at this moment, and the Queen's authority was not obeyed there. The Queen could not give protection at this moment to her loyal subjects within the province of Lower Canada. He said, therefore, they were not in a situation to take any other measure except to do the best they could for the government of the province by some legal means, in addition to the military force, because in point of fact they had not yet established legal authority. That was the difference between the condition of Canada and Ireland. In Ireland the Queen's authority was obeyed—he wished he could say it was perfectly obeyed—but, however, the Queen's authority and the laws were more or less obeyed, and upon the whole there was so much of obedience, that they could make laws for the government of Ireland, but they could not make laws for the government of Lower Canada, because they had not yet established the Queen's authority there. The reason why they had not done so he had already stated so often that he was almost ashamed to advert to it again. They had never set about their operations in that country with a view to establish the Queen's authority, as if they intended to carry their measures into execution. They had not in the first instance, as he had more than once reminded them, advised the Queen to declare her intention to maintain her sovereignty and authority within that province; they had attempted to carry on their operations there with a reduced peace establishment, and the consequence was, that neither neighbouring powers nor the world at large had ever believed that they were in earnest in the measures they were pursuing, or that they could attain the objects they professed to have in view. Hence it resulted that after two campaigns, after almost two years of warfare, they were placed exactly in the same situation as when they commenced. There was a description of warfare carried on along the whole line of frontier between the United States and her Majesty's dominions from the side of the United States. There was not one of her Majesty's subjects who was not in a constant state of alarm, and the war was proceeding exactly in the state in which it was at its commencement in November, 1837. When the seasons came round, when, owing to the state of the weather, there would be greater facilities for activity and locomotion, they would hear of the same outrages and disasters which they had heard of in the course of the last year, and so things must continue until this country showed by the measures it adopted in that and the other House of Parliament its determination to establish the sovereignty and maintain the rights of the Crown in that part of the world. He had said frequently that they could not carry on two wars, one in Asia and one in America, and military operations besides in different parts of the world, upon a reduced peace establishment. In consequence of attempting to do that, they were not only starving their war service, but they were starving their peace service also. In consequence of their want of force, then, not only were they not able to undertake the measures, for the delay of which the noble and learned Lord reproached them, but they were not able to preserve the peace of the country anywhere. The army now was more than 10,000 men under its proper number for the home service; and every description of measures must be resorted to in order to preserve the peace because an impracticable attempt, an attempt which could not succeed, had been made to carry on war with a peace establishment. They were trying with a reduced peace establishment to carry on warlike operations in different parts of the world at the same time; and the consequence was that the peace service was starved as well as the war service. It was very well known that in the course of the last winter the country received an insult, such as he believed was never suffered by this country on any former occasion, nor, he believed, by any country whatever from another, and it was upon the very frontier of one of these colonies, a colony, being in connexion with Canada, was taken from her Majesty's Government and safe keeping. A territory, the dominion of which was in question between the United States and her Majesty, was seized by the state of Maine, and he was not sure that it was not now in its possession. He heard also that several other inroads were threatened, and again he advised noble Lords that he knew that it had been the practice ever since the French Revolution to announce operations of this kind beforehand, the advantage of announcing them, the advantage of threats, was this, they occasioned terror, and terror was the great means and the greatest means of execution; and he ventured to predict that this very inroad, which was now threatened from the State of Maine, would be made upon the first occasion, and he would answer for it there was not within the British province the means of resisting the attack, because all the troops, the peace service of the provinces being necessarily neglected into the bargain, were employed in Canada, and there they were not sufficient to give protection to her Majesty's peaceable and loyal subjects. They could not maintain her Majesty's Government and her Government was therefore despised, her authority no longer existed; and it was absolutely impossible for their Lordships to attempt any settlement whatever, he did not care what it was, of this question, either now or a year hence, until they were enabled to effect a settlement of Canada, and the establishment of her Majesty's Government by force in that colony. The noble and learned Lord had stated certain objections to the details of this bill. He voted for the bill brought in by the Government at the commencement of last year, and on the same principle that he did so he was disposed to vote for this bill. He earnestly recommended their Lordships not to be in a hurry to make alterations in the bill unless they should see an absolute necessity for them, but to leave the Government the responsibility which belonged to them for this and for any other measure they might think proper to introduce in order to bring these matters to a conclusion. But once more he would tell the Government, that unless they set to work clearly and seriously to establish the authority of her Majesty in North America, they might rely upon it, that all they were doing was only throwing money away and tormenting themselves and the country for no reason and no use whatever; that they must first begin by declaring their intention to establish her Majesty's Government, and to form a fleet and army accordingly, and until they did that they would do nothing at all. He was perfectly aware that besides her Majesty's regular troops employed in this colony there was a large body of volunteers and militia formed from among the people of both the provinces, but particularly of Upper Canada; and he must say that he could not sufficiently applaud the spirit with which those men had come forward in her Majesty's service. The labours and privations which they had undergone in support of the rights of her Majesty and of the laws of the mother country had been very great, and he did think that it would ill become this country to abandon such men, to leave them to their fate, or to do otherwise by them than to make every effort which it was in the power of this country to make to re-establish peace among them, and to establish in the country such a government as would afford them protection, and give them tranquillity, and peace, and happiness for the future. That was what he wished to see. He really felt the highest respect for those people on account of the very valuable services they had rendered to her Majesty, not only throughout the recent disturbances, but on all occasions.

Lord *Durham* had been anxious to delay the observations which he had to make as long as possible, that he might have the advantage, to which he thought himself fairly entitled, of availing himself of what might might pass in the course of this debate in reference to the situation which he had had the honour to fill for a short time; and he had been most anxious not to address their Lordships until he had an opportunity of hearing a speech from the noble Duke, of whom, he might be permitted to say, that he considered him, on the great interests and topics connected with this great question as great an authority as could be listened to either in or out of their Lordships' House. He could assure the noble Duke, and he believed, if he would tax his recollection to a very trifling degree, he would remember what took place between them before he left this country, and be convinced that there was no great difference of opinion between them as to the necessity for having a very large military force in Canada. Her Majesty's Ministers, too, would remember, that on his own responsibility, as well as on the authority of the noble Duke's opinion, he did make a request for the largest amount of military force that could be spared. He wished also to concur with the noble Duke in the approbation he had expressed of the services of the volunteers and militia of Canada. It was impossible to describe the privations they had suffered, and the services they had rendered, and how much they were entitled to the gratitude of this country, and how base the Parliament of this country would be, if it ever abandaned them, or ever wished for one instant to sacrifice that connexion of those two provinces which they had endeavoured to uphold, and had upheld at so great an expense of personal hardship and even of blood. But he wished to go further, and to give a tribute of praise also, which perhaps the noble and illustrious Duke, from his connexion with the army, had not thought it fit for himself to give. In the situation which he (Lord Durham) had held, he had an opportunity of knowing the value of the services of the regular troops; and therefore he felt bound to pay a tribute of gratitude both on the part of himself and the country, and of his gallant successor, Sir J. Colborne, to them; and to say, that from the exceeding difficulty and delicacy of the services which they had to perform, it was impossible for any force to act more in accordance with the spirit of humanity and loyalty. In thus agreeing with the noble Duke he did not think, that he should render himself liable to the charge of wishing to establish a despotic power in Canada. He was as little inclined as any one to perpetuate such a state of things; but he must contend now, as he did when he last had the honour of addressing their Lordships before he left this country, that the necessity for setting up such a power in Canada had not originated in any Act of the Parliament of this country, but in the Acts of the House of Assembly of Lower Canada, which had thought proper to take those steps which were repugnant to every man who wished for the well-being of the colony. He should be sorry to see the system of arbitrary government continued any longer than it was absolutely necessary; but he should think himself very unmanly if he shrank from declaring, that the powers embodied in this bill were absolutely required for the efficient government of the colony, which he had stated in his despatch of the 20th of June, in which he applied for power to levy rates, not for the purpose of forcing on the people any obnoxious measures, but for the purposes of improvement—purposes which the people themselves had demanded, but which he had not the power to fulfil. Almost the first act which he had to perform on his arrival at Quebec was, to endeavour to form a preventive police for the maintenance of order and common decency. He had never known any town more destitute of the means of effecting that object. There was no security for the public peace; the most unblushing crimes were committed in open day; and indecency, filth, and dirtiness, in all their most disgusting and degrading appearances, met his eyes in every part of the town. The inhabitants themselves were perfectly ready to enter into any measure to effect an improvement in this respect, but they had not the means of providing rates, they had no municipal laws, no powers for the maintenance of a police. The evils, however, which rendered a police force desirable were very great; especially as there were large garrisons there, and as many as thirteen or fourteen ships at a time lying off Quebec, and here was another source of great disorder; men were constantly prevailed upon, by every inducement, to desert her Majesty's service to enter the merchant service; and on the other hand, all means were resorted to make them leave the merchant service for the royal navy; so that the whole body of shipowners felt the annoyance to be so great that they came to him and declared themselves willing, if he could legally establish a police force, to supply all the necessary funds out of their own pockets. But, as he had said before, he had no power to meet their wishes; and not only that, but the act especially prevented him from doing so, and, therefore, when he asked for that power he conceived that he was only taking means to carry out the great object of his appointment, and he should be ashamed of himself if he had not taken, or endeavoured to take, means to remedy the defects of the old institutions of the colony. The success of such a measure must in a great measure depend on the confidence placed in the governing authorities; and there was an absolute necessity for a permanent law to prevent a decrease in the revenue in a greater ratio than even the noble Marquess had mentioned. He found, also, that there was no jury law in existence. Juries were summoned in consequence of a letter of instruction—a rule established, he believed, by Sir J. Kempt—from the Governor, and it was imposing a very hard and onerous task upon the Governor of the colony to leave him with this resource only; because, suppose the case of the trial of a person on the charge of high treason, if, since according to law, or rather according to the absence of law, he possessed the power of summoning a jury, he selected all English Canadians, he would be blamed by the French, and so if he selected French Canadians, he would be would be exposed to a like charge of partiality. With regard to the law of tenure and of franchise, he had understood from the Principal of the Seminary of Montreal, that that body was very anxious to have the whole of their property enfranchised, but in the existing state of things it was impossible. Having said thus much on the necessity of granting these powers, which he was confident, that Sir John Colborne and his colleagues would not use improperly, he might be permitted to say one word with reference to the course which he had pursued. He had been most unjustly accused, as it appeared, of having abandoned his duty in not having brought this question repeatedly before the House since he had presented his report. He would, in the first place, before proceeding further, say a word or two on the information conveyed in the report which he had given in to her Majesty's Ministers and to Parliament, comprising information upon the Crown Lands, the claims of the militia, the hospitals, the prisons, the municipal institutions, the Church of England, the Church of Scotland, the Roman Catholic Church, general education, registrations, the feudal tenures making in all twelve subjects, the presentation of that report being, as he trusted, the redemption of a pledge he made to the people of Quebec, when he left them, that he would devote his best energies to bring their case before Parliament. He had done so, he hoped, without mixing up any personal or party feelings with it. He had acted to the best of his abilities, and he should be ungrateful if he did not acknowledge how much he was indebted to those industrious persons by whom he had the good fortune to be surrounded, in drawing up that report which had been so much praised by the noble and learned Lord; so much so, that to their industry more than to his own, was the production to be ascribed. It was an epitome of all the information which they gave to him, and to that valuable information, as well as to the method in which they laid it before him, was the merit of the report to be ascribed, rather than to any skill of his own. He had felt himself placed in a situation which rendered it necessary that he should lay these matters before Parliament. The next step naturally to be taken was on the part of the colonies; the report having been presented, it then became necessary for Upper and Lower Canada to state, whether they approved or disapproved of its contents or not. For himself, he felt determined he would press these matters upon the attention of Parliament, until he was enabled to speak in the name of Upper and Lower Canada, or at least to avow that the propositions which he had made, had not met with their approbation; and he confessed, that he was not surprised that her Majesty's Ministers should propose this measure, in the present state of Upper Canada, because it ought to be known that the House of Assembly was on the eve of a dissolution, this being the last year in which the present Assembly could meet together. With regard to an union of the provinces, he had, in the report which had been laid before their Lordships, expressed his opinion upon that important subject, and he thought the course which had been followed in postponing the consideration of any measure for effecting that object was a wise one. The people of the colony had a perfect right to claim for themselves an opportunity of expressing their opinions upon a measure so important, and the postponement of that measure could hardly fail of giving satisfaction to the low provinces. The colony had a just title to express their opinions on a matter in which they were so deeply interested, but Parliament had not a right, in its present situation, and without ascertaining the feelings of the Canadian people, to force any such important measure as an union upon the colony. He agreed with the noble and illustrious Duke, that Government ought not to act precipitately, but he contended that it was only fair and proper that the Ministers of the Crown should state their opinions and their intentions as early as possible, in order that an opportunity might thus be afforded for ascertaining the opinions of the people of the provinces with respect to the measures which it might be deemed advisable to adopt. When Government had expressed its opinions, and declared its intentions, it was only just that Upper Canada should have an opportunity of expressing its opinions on the measure to be adopted. He did not mean, by alluding to Upper Canada alone, to say that an opinion might not also be collected from the people of the lower province. It was true, they could not have the opinion of the representative body, the functions of the Assembly having been suspended, as in the upper province, but they might have the opinion of the best informed and best educated part of the population—viz., the British inhabitants of Lower Canada, whose loyalty and devotion gave them a just claim to be consulted. They would have, in the interval between the present Session and the next, an opportunity which he trusted would not be neglected, of ascertaining the feelings and opinions of the people of Canada relative to the measures to be afterwards pursued. They would in that interval, be able to ascertain what the views and opinions of the British population were, as to whether a union ought, or ought not, to be formed; and in the next Session they would be fully prepared to enter upon the consideration of this most important question. There was one other point on which he wished to make a few observations, and that point related to an isolated topic in the report which he had presented, and to which allusion had been made by the noble Marquess. The point to which he wished to call attention had reference to the recommendations he had made, that a responsible Government, as it had been termed—for he himself had never made use of the phrase—should be resorted to. It was his conviction, that no Government could be established which could give permanent satisfaction which was not founded upon a principle, and conducted in such a manner as to carry with it the feelings and the approbation of the people of the colony. He did not say that he would proceed immediately to the construction of such a government, or that he would take Ministers from the House of Assembly, and so form a responsible Government, but he did say, that if they gave to the Canadian people all the freedom which they themselves enjoyed as to representative institutions—if they gave them the power of regulating their own affairs, of voting money, and of refusing the supplies—if they gave them all these powers, and yet denied to them the results of that freedom, and of those powers, it was impossible to imagine that there would be satisfaction in the colony. On the contrary, if they were denied the enjoyment of those results which ought naturally to spring from free institutions, the colony would continue to be the scene of dissatisfaction, and there would be struggles and contentions without end; there would continue to exist differences of opinion leading to insurrections, such as that to which the colony had recently been exposed. Therefore it was that he would ask whether, when such were the results of a want of a responsible Government, it would not be better, if such a Government could not be formed, to give up the colony altogether, and suffer them to govern themselves? His opinion was, that such a Government might be formed as would make the union of the colonies with the mother country a means of advantage to both—as would make colonies a blessing, and a source of strength to the nation, instead of being a cause of degradation and of pecuniary loss. If such a government was formed, confidence and strength would be the results. Mutual advantages in such a case would spring from the connexion, which would give rise to mutual satisfaction; but by the present system, so far from any advantage arising from the possession of colonies, they were only a cause of great loss to the nation. It was, then, an improvement of the present system which he advocated, and he was fully aware that those of their Lordships who opposed his opinions on this subject were not actuated by any improper view, but from wanting that information which could only be acquired on the spot, and from witnessing the wretched condition of those whom they had induced to leave their own country for those distant colonies. He could not but wish that such of their Lordships as were inclined to oppose his views had seen, as he had, the wretched condition of those who, year after year, in such numbers, went out to North America. There was one other reason to which he wished to allude, and which had induced him not to put himself forward for the purpose of proposing any measures relative to Canada. He was well aware of the political hostility to which he had been exposed, and he had been most anxious that this great question relative to Canada should not be mixed up with anything like party feeling or party disputes. He had, therefore, felt it to be his duty, after having furnished the Government with all the information in his power, to rest satisfied for a time, and not force his opinions upon Parliament, or embroil in any way the difficulties with which this question was already surrounded, merely for the gratification of his own personal feelings. It was on these grounds that he had abstained from forcing on any discussion relative to Canada. He should not trespass farther on their Lordships' time, but he would perhaps be permitted before he sat down again to declare, that in his opinion, there was sufficient cause for requiring that the powers of this bill should be confided to Sir John Colborne and his Council. He must also express a hope, that the Government would not lose sight of the necessity for legislation without delay on the subject of Canada. He trusted that during the recess the opinions of the Canadian people would be fully ascertained, and in the next Session, as early as possible, he hoped a well-digested measure would be brought forward, such as would meet with the approbation of the people of the colony, with the approbation of Parliament, and of the country, and such as would conduce to the advantage of Canada, and to the honour and prosperity of England.

The Earl of *Gosford* thought the measure before their Lordships was likely to create the greatest alarm throughout the colony. They might continue the Act of the 1st of Victoria, but if they sent out such a measure as this, where the powers it would confer were so vague, alarm would be spread amongst the people, and they would have reason to repent having passed such an Act. If it appeared that the power of taxation was necessary, why not give uncontrolled power to the Governor. There were some persons in the Council who had not the confidence of the Canadian people, and he was convinced that if such extensive powers were confided to the Council, the alarm would not be confined to the British population, but would extend throughout the colony. He should not, however, oppose the House going into Committee upon the bill.

Earl *Fitzwilliam* said, it appeared to him that the noble Duke had confounded rebellion in the province with disturbances on the frontier. The disturbances on the frontier were not unnatural. They had long existed there, and it was but rarely during the last century, when the settlers came in contact, that the borders of the States in North America had been in a state of peace. He was at a loss to understand how the measures recommended by the noble Duke would produce peace. They might produce the tranquillity of silence, but such peace would only be the peace of the body, not the mental repose of the nation. The recommendations of his noble Friend below him appeared to him to amount to nothing less than the assertion of the necessity of a re-conquest of Canada. But how had this become necessary? The whole history of the Colonial-office showed that we had treated Canada with injustice. He did not, however, mean to say, that this was any palliation of rebellion, but it was too true that we were not doing by Canada as we would be done by. He knew that the opinion which he entertained on this subject was so different from that which was entertained by the majority not only of their Lordships but of the people of this country, that he almost despaired of obtaining anything like attention to the statement of his opinions. Any man, however, who had deduced from history the lessons which it ought to teach would know, that a more fatal error could not be committed than the attempt to make geographical states instead of founding a nation.

The Duke of *Wellington* remarked, that till measures were taken to restore the province to a state of security, it would be in vain to hope that any constitutional government, or any government at all, could be established in Canada. This was what he had adverted to, and he had never adverted to any constitution of a particular description. He had never, since the commencement of the present Session adverted either to the despatches of the report of the noble Earl, expecting that any measures relating to Canada would originate, as they ought to do, with the Government. He would now only state his determination to do everything in his power to promote a settlement of the affairs of Canada.

House in Committee.

The Yeoman Usher of the Black Rod announced that a message was waiting from the Commons.

The Marquess of *Lansdowne* moved, that their Lordships should resume, in order that the message might be received.

Lord *Brougham* objected to the House resuming. Let the bill go through the Committee, and the message from the Commons could be received afterwards.

Several Peers—*Resume, Resume.*

Lord *Brougham:* Then I shall enter my protest against that. The Commons might have brought this message up at five o'clock, the proper time. But this is a specimen of the unnatural, hurried speed at which legislation goes on at the end of the Session, by persons who have been going on for five or six months doing nothing, and what they have done they had better have left alone, for they have done it in such a way as to give us a great deal of trouble in setting it right. If any of them—[Looking towards the Bar where a number of Members of the House of Commons were standing]—should happen to hear me through any irregular channel, I hope they will mention this, and take care to bring up bills at the usual time, otherwise they will not be received.

The Marquess of *Lansdowne:* Most probably the bill that will be brought up is a bill which the noble and learned Lord would wish to proceed with unnatural speed, for I believe it is the Portuguese Slave Trade Bill.

Lord *Brougham:* I totally differ from my noble Friend. I object to an excellent measure being promoted by bad means.

Lord *Holland* was a much older Member of the House than the noble and learned Lord, and he could recollect very important bills being brought up at a much later hour. He had also known the House to wait three hours doing nothing in expectation of a messenger from the House of Commons. He really thought that a little good humour on the part of one House towards the other would be much better than such constant scolding.

The House resumed, and the Slave Trade (Portugal) Bill was brought up from the Commons.

Their Lordships again resolved themselves into Committee on the Lower Canada Government Bill.

On the third clause being put,

Lord *Brougham* moved that it be struck out.

Lord *Ellenborough* thought, that before the House came to a division on the clause, it would be desirable to have the meaning of it explained. The clause said, that no new tax should be levied by, or made payable to, the receiver-general, or any other public officer of her Majesty's revenue; nor should it be appropriated by the governor or any other officer of the Crown. Who, then, was to receive the tax, and who was to appropriate it?

The *Lord Chancellor* observed, that all the power existing in the Legislature would, with certain restrictions, be transferred to the special council.

Lord *Brougham* hoped, that the Portuguese Slave Trade Bill was drawn up with more carefulness, and with a greater regard to the powers of human comprehension, than the present. No public officer of revenue was to levy the new taxes, and what sort of person was to levy them, it was out of his power to imagine. It was impossible for their Lordships to pass nonsense, and they must therefore either reject or alter the clause.

The Marquess of *Normanby* was understood to say, that the taxes would be levied by persons appointed for the purpose.

Lord *Ellenborough:* The most convenient course would be for the noble Marquess to concur in the rejection of the clause, and to insert another, more clearly expressed, on the bringing up of the report.

Lord *Melbourne* conceived, that the better course would be to pass the clause. If their Lordships were inclined to sanction the general principle of the clause, they ought not to reject it, as it might be amended at a subsequent stage.

The Duke of *Wellington* said, that the intention of the clause was to give to the special council the same power as had been possessed by the Legislature, as to the passing of private bills. If that intention were clearly expressed, he saw no objection to it.

The *Lord Chancellor* said, that that was exactly the intention of the clause, and collectors would, of course, be appointed by each ordinance.

Lord *Lyndhurst* said, it was perfectly idle to pass this clause; for, supposing any measure to be passed under it in Canada next November, it would not be before Parliament in this country until February, and as it must then lie on the Table thirty days, it would not be received again in Canada until the time had nearly arrived when fresh provision must be made for the government of that province. It was clear that Ministers did not understand their own measure.

Their Lordships divided on the question "That the clause stand part of the bill:" Contents 59; Not-Contents 46: Majority 13.

Remaining clauses agreed to, with amendments.

The House resumed, the report to be received.

HOUSE OF COMMONS,

Friday, July 26, 1839.

MINUTES.] Bills. Read a second time:—Soap Duties Regulation; Bastardy.—Read a third time:—Shannon Navigation; Jurors and Juries (Ireland); Militia Ballots Suspension.

Petitions presented. By Mr. Law, from Hereford, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Dennison, from Chertsey, for a Uniform Penny Postage.—By Mr. T. Duncombe, from the Metropolis, and a number of other places, against the Poor-law Amendment Act.—By Mr. Sanford, from several places in Somersetshire, against the Beer Bill.—By Mr. Langdale, from a number of Catholics, for a system of National Education including people of all Religious Denominations.—By Viscount Castlereagh, from Newtonwards (Devon), against any further Grant to Maynooth College.—By Mr. Macauley, from Edinburgh, against running Mails on the Sabbath.—By Colonel Wood, from Chelsea, against joining Parishes of more than 25,000 souls to any Unions under the New Poor-law, and against allowing persons in Vestries to Vote by Proxy.—By Mr. M. J. O'Connell, from the Spirit Sellers of Fermoy, against the Spirit Licenses Bill.—By Captain Gordon, from Aberdeen, for Church Extension in Scotland.—By Mr. M. Philips, from Silk Throwsters and Manufactures of Manchester, against including Silk Mills in the Factories Act.—By Mr. Hindley, from Yorkshire, for a Uniform Penny Postage.—By Mr. Bannerman, from Aberdeen, to the same effect.—By Lord R. Grosvenor, from one place, to the same effect, but against the use of Stamped Covers.—By Sir R. Peel, from Eccles (Berwick), for Church Extension.—By Mr. Gibson Craig, from Berwickshire, for an Alteration in the Law of Church Patronage.—By Mr. Pattison, from Norwich, and Sir R. Peel, from Blackburn, for a Uniform Penny Postage.

BANK OF IRELAND.] House in Committee upon the Bank of Ireland Act. The question again put, that it is expedient to continue for a limited period the privileges vested in the Bank of Ireland.

Mr. *O'Connell* would confine himself to the question before the House. The Chancellor of the Exchequer stated last night, that there had been no contract between him and the Bank of Ireland. Unfortunately for him, however, persons immediately concerned had shown a document as like a contract as anything could possibly be; so like, indeed, that it would be very difficult to show that they were not identical. The effect of it had been, that bank-stock had risen three per cent. even before the right hon. Gentleman made his statement to the House. That such a document did exist, purporting to be a contract, he (Mr. O'Connell) was warranted, from the information he had received, in stating. That it was not a contract he was ready to admit, the Chancellor of the Exchequer having stated that it was not; of course what the right hon. Gentleman stated he did not dispute. But he did say, there must be some neglect somewhere in putting it in the power of these persons to give a favoured few the opportunity of thinking, and believing, and making it to be believed, that such a contract existed. The question of the resolution before the House lay in a very narrow compass, it was not a question of free trade in banking, but simply of the continuance of the monopoly of the Bank of Ireland. The Chancellor of the Exchequer argued, that if joint-stock banks were allowed to issue notes in Dublin, they would be unable to manage the concerns of their branches in the country, yet the Bank of Ireland was in this very predicament of having branches in the country, and at the same time issuing notes in Dublin, and having the exclusive circulation of the metropolitan circle. If the argument against joint-stock banks was of any value, was not it equally strong against the Bank of Ireland? He meant to take every fair step to prevent the measure passing into a law. The continuance of the monopoly could only be justified by showing services rendered to the public by the Bank. He would mention one fact as illustrative of the accommodation which it afforded to the public. Bank of England notes were constantly at a discount in Dublin. Although Bank of England notes were a legal tender in Ireland, those who received them, in return for Irish produce sold in England, had no means of realising them through the intervention of the Bank of Ireland. He could understand the principle of having but one bank for the two countries, but this system of two independent banks, intrusted by the State with exclusive privileges, as being the only parties qualified to regulate the circulation, and yet acting without concert, and on different principles, was an utter absurdity. From the evidence before the committee, it appeared that the Bank of Ireland directors had no correspondence or communication with the Bank of England, which could have enabled them to regulate the currency, and that they were utterly ignorant of the disturbing causes which made it necessary for the Bank of England to limit its operations. He would take the sense of the House against this plan, and he would oppose, as far as he could, the species of deception which had been practised on the people of Ireland, who, until three weeks ago, had been kept in ignorance of the present plan.

The *Chancellor of the Exchequer* said, I confess that but for two circumstances I should be perfectly satisfied to let this debate pass without a word. But, in justice to myself, it is absolutely necessary that I should immediately follow the hon. and learned Gentleman. The hon. and learned Gentleman has a very convenient mode of dealing with personal charges. This is the second time—for the hon. and learned Gentleman made the same charge last night—at the same time, that he insinuates personal charges, he states his own readiness not to believe them to be true. But an impression may, notwithstanding this disclosure, be conveyed to the public by what has fallen from the hon. and learned Gentleman and that impression is one inconsistent alike with my private honour and my public duty. Therefore I am called upon, in the most distinct and unequivocal manner, and with the most direct contradiction which one individual can apply to another, to contradict in every part and in the strongest terms, the suggestion of the hon. and learned Gentleman. The suggestion of the hon. and learned Gentleman amounts to no thing short of this—that I, in my official capacity, whilst I stated to this House, that I had entered into no engagement with the Bank of Ireland, had actually done that which, as he says, was tantamount to entering into a contract, in the shape of a written paper, and that I had communicated to those whom he designates as a favoured few, information which they were enabled to turn to their own private profit. It is perfectly true, as the hon. Gentleman says, that because this is inconsistent with my statement last night, therefore he is bound in charity to disbelieve it. But if he disbelieved it, he had no right to allude to it at all. If he did believe it, it was not by a mitigated assertion like that which he has now made that he should have brought it forward, but in a distinct and unequivocal shape, in which I could have grappled with it. The character of a public man is public property in this country, and any individual base enough to turn his official knowledge to the pecuniary benefit of any person or of any party would be not only unworthy of holding office under the Crown, or of possessing a seat in this House, but would be unworthy of the respect or consideration of any private acquaintance. Therefore, I call on the hon. and learned Gentleman to bring forward evidence for that which he now suggests. I will not allow this to remain as a mere suggestion or insinuation, because elsewhere, and possibly here, it may be said that the disclaimer of the hon. and learned Gentleman is a merely parliamentary and equivocal compliment. It has a tendency to cast a foul and false calumny on my personal character, and I dare the hon. and learned Gentleman to bring his charge distinctly forward. The imputation that an individual who fills the office which I hold is capable of using his financial knowledge to make communications for the purpose of affecting the value of the public securities, is an imputation from which I should have supposed that the character of public men, for the last fifty years, would have been in the judgment of any one but of the hon. and learned Gentleman, a sufficient protection. He (the Chancellor of the Exchequer) would state the whole of the transactions which had occurred, and he would mention the witness whom the House might, if they thought fit, examine. He had stated last night, that, so far from following the ordinary course on similar occasions, which was to make a contract with the Bank of Ireland, he had specially abstained from entering into any such course. Consequently, the bill which he said he should introduce, in place of reciting, as was the custom in similar bills, that the portion referring to a contract was done with the consent of the Bank of Ireland, was to contain a blank to be filled up when it went into Committee. He would tell the House exactly what he had done with the Bank of Ireland. When the notice was originally given of bringing forward the question, he asked his hon. Friend, the Member for Kilkenny, to postpone his notice until he requested the directors of the Bank of Ireland to come over here. These gentlemen came over, and he had various interviews with them, as well as with the deputations from Drogheda and the Provincial Bank—in short he had received every gentleman who applied to him for information on the subject. When he had prepared his plan, he communicated it to all the parties whose interests might be affected by it. To the deputation from Drogheda, on which the hon. and learned Gentleman attended, he gave a complete description of the plan now introduced. The hon. Gentleman who represented that town, and the hon. Gentleman sitting next to him, would be able to say, whether he had not frankly and unreservedly stated to them the details and principles of his plan. He made the same statement to the governor of the Bank of Ireland, and to the deputation from the Provincial Bank. He accompanied his statement to the gentlemen connected with the Bank of Ireland by telling them that he would not enter into a contract of any sort or kind with them, and that they were not even at liberty to bring it before the court of directors or court of proprietors, until the opinion of the House of Commons had been pronounced on the subject, and the decision of Parliament taken. This was the simple transaction as it happened. The Bank of Ireland had the same access to him which other gentlemen connected with other establishments had: could he justly or fairly have excluded from them the communications which he made to every other class interested in the subject. He would mention the gentlemen with whom on the part of the Bank of Ireland he held communication. They were:—Mr. Wilson, the present governor, than whom a more honourable and respectable gentleman did not exist; Mr. Arthur Guinness, well known to Members of the House, and and to the whole mercantile community of Dublin; and Mr. Carr. He invited the House to summon these gentlemen to its bar, and ascertain from them whether any single word had passed which could justify the suggestion which the hon. and learned Gentleman had insinuated against him. He begged pardon for the defence of himself. He did not believe, in addressing an assembly of gentlemen, having the feelings of gentlemen, that it could possibly be supposed that any one in this position could act in the way that had been suggested. But, if he had not given an immediate and public confutation and denial to the statement, it would have been repeated and dwelt upon as an accusation which had not been, and therefore which could not be denied. The hon. and learned gentleman referred to the panic of 1836, and said, that it had been occasioned by the conduct of the Bank. He had not hesitated to admit, that the conduct of the Bank, in continuing a low rate of discount, when the rate had been raised by the Bank of England, was entirely without defence. But if, instead of being controlled by the Bank of Ireland, the circulation had been then at the mercy of joint-stock banks, conducted on the principles of the Agricultural Bank, or under the auspices of Mr. Mooney, and such persons calling themselves bankers, the result would have been ruin and confusion throughout the two countries. But the hon. Gentleman had said, on a former occasion, and had again repeated, that the Bank of Ireland had been guilty of great misconduct, in being altogether regardless of the state of the discount of the Bank of England; and, in proof that they were so, it had been stated that they were ignorant on the subject. Now, if they would look to the evidence of Mr. Wilson, they would find that the Bank of Ireland was not altogether regardless of the state of the discounts of the Bank of England, nor ignorant of their operation; neither was it ignorant or regardless of the rates of foreign exchanges; what Mr. Wilson had stated, in reply to questions put by the right hon. Baronet, the Member for Tamworth, a Member of the Committee, was, not that they were ignorant of the liabilities and assets of the Bank of England or the state of the Exchange, but that they were not aware of the state of the American securities at that time, nor of the manner in which those securities had been affected, or had been instrumental in producing the state of commercial distress. He believed the Bank of Ireland regulated their affairs by considering, first, the rate of discount in the London market; second, the state of the foreign exchanges; and thirdly, the amount of specie and securities in possession of the Bank of England as compared with their deposits and circulation. These were the exponents to which they ought to direct their attention. He did not know if it was the duty of the Bank of England to acquaint the Bank of Ireland with the state of their general transactions: but it was clearly the duty of the Bank of Ireland to attend to these exponents which the Legislature had provided as guides to them in conducting their banking operations. He did not justify the conduct of the Bank of Ireland on that occasion, and it was not for the sake of the Bank of Ireland that he asked the House to adopt this measure. He only asked support for that establishment, in so far as it was of importance to the public interest. He did not come forward to propose this bill for the advantage of the Bank of Ireland. He knew but little of any individuals connected with that establishment; he had been connected with establishments which were its rivals in trade, and therefore could not be supposed to have any great fondness for the Bank of Ireland, or interest in, supporting it; he proposed this resolution because he thought it was for the benefit of the country. Those who maintained with the hon. Member for Kilkenny, that a free trade in banking would be a public benefit, those who desired to see every individual entrusted with the power of embarking in business as bankers, would very properly object to it; but gentlemen who did not go to that length, although they might differ in opinion as to the extent to which the principle of legislative interference might be carried, should support him because their differences might be taken into consideration when they got into committee. The hon. Gentleman had adverted to the state of the law respecting Bank of England notes being a legal tender in Ireland; and after mentioning the fact, that Bank of England notes are sometimes at a discount in Ireland, had contended that this must be owing to some delinquency on the part of the Bank of Ireland. The fact was, the Bank of Ireland had nothing whatever to do with such depreciation of value, and consequently could not be considered responsible. Bank of England notes were only known in Dublin like any other chargeable security. If the supply exceeded the demand, they were cheap, and at a discount; and if they were few in number, and less than the demand, then they fetched a higher price, and were at a premium, and the Bank of England note, like every other commercial security, would vary in value according to the state of the market. But the Bank of Ireland had been accused of having acted unjustly by refusing these notes: he wished to explain the state of the law on this subject. When Lord Spencer introduced the Bank Charter Act, he introduced a clause making Bank notes a legal tender in any place except by the Bank themselves. It was not the intention of Lord Spencer that this clause should affect Ireland or Scotland. He had said, as the reason for making these notes a legal tender, that inasmuch as they might always be taken to the Bank of England, and specie there obtained for them, they might therefore safely and fairly be made a legal tender in other parts of England. But this argument was not applicable to Ireland. A person receiving a note at Dundalk, could not step across the way to the Bank of England to get gold in exchange—he would be obliged to cross the Channel. The same argument would apply to Scotland, and it had never been the intention of Lord Spencer that this law should be applied to those countries, and, for some time, such was considered to be the state of the law. But, in 1835 or 1836, a question arose as to whether these notes were a legal tender in Ireland. The opinions of the hon. and learned Gentleman, Mr. O'Connell, and of the Attorney and Solicitor Generl, were in favour of their being a legal tender. Other high legal authorities differed from them; but, as the Law Officers of the Crown had given their opinion, the Government determined to abide by it, and gave orders to receive those notes in the collection of the revenue. This legal tender clause was applicable to England where there was only a five-pound note in circulation, but was totally inapplicable to Ireland when there existed a circulation of small notes. It would in Ireland become very probably productive of forced issues—a matter above all others to be avoided. In the bill which he was about to introduce, it was his intention to put an end to this question of a legal tender, so far as Ireland was concerned. Another of the grievances complained of by the hon. and learned Gentleman was the precipitancy with which he hurried on his measure. Upon this point he would beg to call the attention of the House to a document which he held in his hand, taken from a Drogheda paper, and giving an account of what had lately taken place in that town. It named several hon. Gentlemen on both sides of the House in a manner which would interest their curiosity, if it was not altogether gratifying to their self-complacency. A deputation come over from Drogheda, and was introduced to him by his hon. Friend who represented that town, and who had spoken so ably last night. He had explained to them his plan. They came to oppose granting any charter to the Bank of Ireland. When they had heard his plan, they returned to Drogheda and called a meeting, at which the mayor took the chair, to give a report of their proceedings. If the deputation felt that they had reason to complain of the lateness of the period of the session at which he brought forward his measure, would they not have been the loudest to complain? They did no such thing. Did they complain of his plan? The House should hear. The mayor, on taking the chair, said—

"Gentlemen, as one of the deputation sent to London, to communicate with the Chancellor of the Exchequer on the Bank of Ireland monopoly, Dr. Atkinson, and I think it our duty to lay a statement of the proceedings before you. On arriving, we at once proceeded to business, and our first visit was paid to Sir William Somerville, who seemed to have a good feeling towards us. Through his influence, the following Tuesday was appointed by the Chancellor of the Exchequer as the day on which we could have an interview with him, and accordingly we went, accompanied by Sir William Somerville, Mr. O'Connell, Mr. Hume, and Mr. Redington, and laid our views before him. We found his tone very different from what we had expected; he yielded completely, and, in fact, gave us more than we had reason to hope for. Dr. Atkinson will now give you every information relative to our interview with the Chancellor of the Exchequer. Dr. Atkinson: Gentlemen, the mayor has informed you of our preliminary proceedings, and I will now detail to you as satisfactorily as I can, our interview with the Chancellor and its results. We endeavoured to do as much as possible by remonstrance and solicitation, and if not successful by these means, we were determined on resorting to open hostilities. Our first thing was to solicit an interview with the Chancellor of the Exchequer, which we obtained through Mr. O'Connell, and, accompanied by him, Mr. Ashton Yates, and several other gentlemen, we waited on him. At this time he had made up his mind that there should be no change in the existing regulation—that things should remain as they now are, viz., that no bank within fifty miles of Dublin, having more than six partners, could issue notes, or sue and be sued Before we left the room we got him to agree to the establishment of joint-stock banks in any part of Ireland, having all the privileges which the bank of Ireland now enjoys, with this exception, that they would not be allowed to issue their own notes; and he even added that if he were a partner in a joint-stock bank, he would rather carry on its business with Bank of Ireland notes than the contrary. The plan he suggested is, to get paper from the Bank of Ireland at three per cent. Having got so much from Mr. Spring Rice, we were determined to go to hostilities, for the purpose of getting more, and accordingly waited on several Members of Parliament; and here I may remark that nothing can exceed the degree of ignorance on Irish affairs manifested by even the most acute and intelligent of the English members. We canvassed, and got a considerable section of the liberal members to support Mr. Hume's motion on Monday next, and our next object was to secure the support of the Conservatives, as if we got them there could be no doubt whatever of our success. Mr. Ellis waited on Sir Robert Peel, who expressed great regret at being obliged to leave town, but appointed to-morrow for an interview. We have, however, got for the fifty-mile district every privilege except that of the issue, and as the Bank of Ireland might at any time seriously inconvenience the public by

> contracting its issue, we must get rid of that also, which we are certain of doing with the assistance of the Conservative members. When Sir Robert Peel was asked if he would support the extension of joint-stock banks in Ireland? the hon. Baronet's reply was:—'I am rather favourable to the renewal of the bank charter, but I think so important a town as Drogheda should not be shut out from the privilege of joint-stock banks.' I will conclude by observing that the Chancellor of the Exchequer made these concessions, because he heard it whispered that we were mustering a powerful opposition to him, and supposed that we would therefore abandon it. We did not do so; in fact our leader, Mr. Hume, who is opposed to every species of compromise, would not let us, even if we were so inclined."

He told the deputation what his plan was, and undoubtedly he believed that his explanation removed any previous wrong impression that existed. He certainly had made no concession; but they considered it a concession, when they were informed that his plan would make a variation in the laws regulating joint-stock banks, which would effect considerable improvement. The deputation took this explanation to be a concession, and so they told the people of Drogheda. He told the deputation that he thought a great improvement might be made in the system of joint-stock banks, if they were to cease to issue paper money of their own, and if they became the circulators of Bank of Ireland paper, by which the whole system of banking in Ireland would be placed on a much safer foundation than it now stood upon. This would be approximating to one central and united issue of paper money; and the question hereafter to be discussed would be whether the nearer they approximated to this principle of central issue, the safer and sounder would be the banking establishments of the country? In the whole of the proceedings of the meeting there was not a complaint with respect to the time at which this measure was to be introduced; there was no complaint of their being uninformed as to its details; there were no objections made to the plan as far as it went; on the contrary they claimed the measure as their own, and as Mr. Canning, on a certain occasion, said "this is my thunder;" the deputation said, "this is our banking bill." As to the complaint of the hon. Member for Kilkenny, with regard to the lateness of the session at which this modified and temporary measure was passed, that complaint, he must say, came with a very bad grace from that hon. Member, who himself, in a letter dated the 14th of July, declared that on the 23rd he was to bring forward a motion which had for its object the entire bouleversement of the banking system in Ireland. He thanked the House for the indulgence they had shown in listening to this explanation, and he would only add that the convenience of those Gentlemen who opposed the measure should be consulted, with respect to the period at which the further progress of the measure should be fixed to take place.

Mr. *O'Connell* did not shrink from a single word which he had said, nor had what had fallen from the right hon. Gentleman made any difference in his opinion. He did not believe that any one, but the right hon. Gentleman himself, would suppose that, when he talked of a favoured few, he alluded to persons who were favoured by the right hon. Gentleman. There were two parties to the arrangement, and each might have favourites. The words "favoured few" seemed to be taken for what he would not call declamation, but something that resembled it. But what he had stated he would repeat, namely, that the arrangement had been conducted in so loose a manner, and that although no contract had been entered into, such documents passed as enabled persons to avail themselves of the belief of a contract to the extent of causing a rise of three per cent. in bank-stock. To that statement he adhered, but he did not for a moment attempt to insinuate, that the right hon. Gentleman had entered into a financial arrangement in order to enhance the profits of individuals. As to the Drogheda document which the right hon. Gentleman had read, he wished him joy of it. If the report were true, and there was nothing to vouch for its accuracy, this deputation was composed of the silliest men whom the community could produce. But what business had the right hon. Gentleman to bargain with the deputations? To be sure the right hon. Gentleman guarded himself by saying, that he did not pledge himself to any thing that might pass in conversation, and then he went on to ask "Suppose the limits of the Bank of Ireland monopoly or privilege were confined to a circle of twenty miles, would there be any objection with this condition, to the renewal of the Bank Charter?" The deputation at once assented to this proposition, as it would enable the towns of Drogheda, Dundalk, Newry, and other towns, to be placed on the same advantageous footing as Belfast. The deputation and he himself went away with the conviction that this was the opinion of the right hon. Gentleman, and that the only reason why he did not pledge himself to it was, that there must first be a resolution of the Cabinet. He (Mr. O'Connell) stated publicly, in letter, that this was his conviction. He, therefore, was deceived; the people of Ireland were deceived; and he would repeat again, that until within these three weeks, he had remained under that deception.

Mr. *Redington* also had attended the deputation, and the impression conveyed to his mind was exactly the same as that conveyed to the mind of the hon. and learned Member for Dublin.

Sir *W. Somerville* said, that he also had attended the deputation, and he left the presence of the right hon. Gentleman under the conviction that the Towns of Drogheda, Dundalk, and Newry were to be relieved from the operation of the bank monopoly. He trusted that the right hon. Gentleman would reconsider this subject before he took a contrary course.

Mr. *Hume* utterly denied that his object was to overturn the whole system of banking in Ireland, and that the right hon. Gentleman's understanding of his letter was altogether incorrect. He had been waited upon by some gentlemen from Ireland, and, he said to them that if it were proposed that the Royal Bank of Scotland should have an exclusive privilege of issuing paper money within fifty miles round Edinburgh, did they think the people of Scotland would submit to it? And why should the people of Ireland submit to like injustice? He added that, if the Members for Ireland were as active as they ought to be, and if the people of Ireland were as zealous as the people of Scotland, it would be utterly impossible for any Chancellor of the Exchequer to succeed in carrying a measure of so much injustice.

Sir *R. Peel* said it was quite true that in 1819 he proposed as a very desirable course that the current paper circulation should be converted into money; but he did not see that this at all implicated the principle of free trade in banking. He did not think either that a free trade in commercial matters necessarily included a free trade in banking. On the contrary, in 1819, when he proposed that the notes in circulation should be converted into gold, he did not propose to destroy the monopoly of the Bank of England; nor again, more recently, when the charter of the Bank of England was under consideration, did he oppose its renewal. He regretted that a measure of this importance should have been brought on at so late a period of the Session, nor could he see any sufficient excuse for its being brought forward at this time. It was quite true that under peculiar circumstances the state of the country might require a measure of coercion, or a grant for an additional levy of men, to be brought suddenly forward at a late period of the Session, but upon a subject of this kind, which had been three years under enquiry, he could not see why any projected measure should have been held back so long. He must say, also, that when so many Members were absent from town, and so much business remained unfinished upon their votes, it was peculiarly inconvenient to undertake a measure of this kind. There were twenty-eight orders of the day on the votes for to-night; some of these must be got through, others might be postponed, but then they only accumulated the labour and inconvenience for future evenings. He really thought that some mode must absolutely be adopted of getting through the business of the House in better time, either by adopting the practice of committees in the French Chambers or otherwise; but, unless something was attempted, and that speedily, to remedy the existing evil, he did apprehend that this House would lose its character in the country. In consequence of this dilatory mode of proceeding—the House, preferring party discussions to the transaction of the real business of the country, would, from time to time, resign a great part of its authority to the discretion of the Privy Council; and thus not only forfeit its claim upon the respect and regard of the people, but destroy some of the most valuable constitutional rights of the country. With respect to the question now under consideration, he confessed that although he came to the same conclusion practically as the Chancellor of the Exchequer, he had not been convinced by any of the right hon. Gentleman's arguments. The right hon. Gentleman referred to the difference displayed between Scotland and Ireland in banking transaction and said, that those of Scotland were at least tenfold that of Ireland and that there was greater security in the paper circulation of the former than the latter. In reply to this, it might well be asked, "Then why not adopt the Scotch system?" If there be greater capital employed and greater security in Scotland, without a monopoly, than in Ireland with one, certainly that was not a reason for containing the monopoly in Ireland. At the same time he thought it was of great importance that the question should be considered upon a wider basis, and that not only the effect of monopoly, but of the general principles of banking, should be taken into account. He did not say that it necessarily followed that because the free system answered in Scotland it should succeed equally well in Ireland. A great deal depended in matters of this kind upon the habits of the people. He did not think the principle of the Scotch banks could be advantageously applied to Ireland, and the reason was, that the Scotch banks, it was well known, leaned a great deal upon the Bank of England for a supply of gold in cases of emergency. This was not a mere Irish question, but affected the monetary concerns of the whole empire, and therefore he was not prepared to throw the banking of Ireland entirely open without a sufficient opportunity of considering this great question in all its bearings; not only as it affected Ireland, but England also, and more particularly the important question as to having one bank of issue. He had listened with great attention to the observations concerning the deputations from the parties interested in this question; and he had been very much surprised at the accounts which had been published of what took place at those interviews. He gave the gentlemen who composed the deputations which waited on him, every opportunity of freely expressing their views, and he made some observations of his own in reply; but he must say that it would be a very great restraint upon the freedom of private communication between public men and other parties under circumstances of this kind, if a statement of what might thus have been let fall were immediately to find its way into the leading article of a newspaper. He did not care one farthing about the circumstance for himself; but at the same time there were many things which might pass in a private conversation should only be published with the consent of both parties; and it must be obvious that the slightest difference in the terms made use of might very materially alter the sense of what was intended to be conveyed. With respect to the present proposition, he hoped that the subject might be postponed till the next Session. It was a question which must be settled within a very short period, unless they wished to get into inextricable confusion; and unless it was taken up deliberately and calmly, with the good will of the Bank of England, and at a period when there was no immediate apprehension or emergency, no necessity for immediate adjustment, so that they could consider and decide in 1842 what ought to be done in 1844—he knew very well what would take place—namely, that the charter of the Bank of Ireland would be again renewed for three or four years, and the great question involved in it left still as far as ever from a satisfactory settlement.

Mr. *Warburton* thought it would be much better to let this question stand over till next session, and that then a committee should be appointed to inquire into the whole subject of currency and banking.

Sir *J. Norreys* would give the Chancellor of the Exchequer's proposition every opposition in his power, because he thought it quite wrong that a measure so deeply affecting all who possessed any property in Ireland should be brought on so late in the Session.

Mr. *Villiers* rose to vindicate his vote for the motion of the hon. Member for Kilkenny last evening, and to express his intention to support him if he divided again to night; he was induced to do so from the misrepresentation of the object of that motion which he had heard that night. Hon. Members who opposed the hon. Member for Kilkenny said, that nothing could be more objectionable than the present exclusive privileges of the Bank of Ireland. And what was the motion of the hon. Member for Kilkenny? Why, that these objectionable privileges should not continue. He thought they were objectionable; they had not been justified by any person who had spoken; nothing had been adduced in their favour, and he asked in vain for a reason to justify their continuance. But he supported the Member for Kilkenny, because he voted for what he intended, and not what others imputed to him. He had heard with surprise the attempt that had been made to confuse the specific objects which the hon. Member's motion contemplated, with all that the House may find it difficult to understand, and to which it was opposed. Language and phrases had been used purposely, as it seemed, to mislead the judgment on the subject. Oh, it is said, if you vote for the hon. Member for Kilkenny you are voting for free trade in banking, and a pretty thing that is; that is allowing any man, at any place, under any circumstances, to deal in money as he likes. That was the Chancellor of the Exchequer's definition of free trade in banking. He had been astonished to hear his hon. Friend the Member for Bridport talk in the same strain, when he thought he could not have helped seeing that, however clear his own ideas were, he was profiting by the delusion which his auditory were under on the subject. Now he was for free trade in banking; and yet he was not for that wild, vague sort of thing, which had been described to frighten and delude people. What was the first thing the friends of free trade in banking contended for? Why, that no private company in the same trade should be clothed with exclusive privileges. That was the first test whether there was free trade or not—aye, no company so privileged as to operate to the prejudice of private traders and subjected to no control over its private interests, so as to secure its operation for public good. When such a company as that existed, there was no free trade in banking; and it was when such exclusive rights to particular traders were withdrawn that free trade began. But he contended that there was nothing inconsistent with freedom in all engaged in the same trade being equally subject to some restrictions. No system was entirely without some restriction; and it depended upon the nature of the restriction whether the trade could be considered to be free. The law might wisely take security against fraud, where the public could not protect itself; and the question here was how far the public ought to be protected or watched by the law. Now this involved the question of the principle on which banks might be rendered safe by law. Now, what was it that the hon. Member for Kilkenny contended for? Why a right to issue paper convertible into gold on demand, and that such paper should not be made legal tender. But was this a new fancy? Why, this is the very principle which is recommended by all the thinking men, all the writers of note, all the statesmen whose names we quote with respect in this House, who had considered the subject. It involves the whole question of the paper currency, and a safeguard against its abuse, and it is that safe and economic system recommended by the bullion report, and known to have been the opinions of Mr. Horner, Mr. Huskisson, Mr. Mill, and Mr. Ricardo. They sought out the causes of depreciation of paper in their day; and they found it in the non-convertibility of paper into bullion, and they declared their opinion that the convertibility on demand is the safe and efficient check against over-issue, and against depreciation; but it seemed there were new lights now-a-days, who have sprung up and told them that this was no security, and that there will be over-issue and depreciation whether notes are convertible or or not, and they were referred by the hon. Member for the Tower Hamlets to America, to prove it. He said, in answer, that such a system as he had described had not been fully tried either in America or in this country. He said not in America, by the hon. Members own showing; for he had told them, that if a banker did not pay his notes on demand he was not, as in this country, made a bankrupt and ruined; but that he might pay interest upon the note he refused, he said twenty-four per cent.; but that was a very different thing from committing an act of bankruptcy, as in this country, and might operate very differently upon the prudence and caution of an issuer of notes. Again, he told him that in many respects these notes had been made legal tender in America. The Government received them in payment of taxes. And again, let him say that the chances of panics were far less there than in this country, which may have given to bankers, but only as it did to all others engaged in trade in that country, a peculiar hardihood in their mode of doing business. Again, he said that nobody had a right to refer to what had occurred here as against freedom in banking, when they have had a large privileged banking company constantly acting upon the trade, and, by their power, and by their capricious, irregular dealing with the currency, disturbing all the calculations which the unprivileged might have recently made; for he would ask any body in common candour to say whether the crises in commerce, whether of panics or of distresses, which have periodically occurred in this country, have not been upon the most striking occasions more traced to the irregular proceedings of the Bank of England than to the imprudence of private banking companies? Where, then, is the experience to which any man could refer against that properly-secured and free system, which he contended, on the authority of much greater men than himself, ought to be adopted. There was none, and the objection rested on speculation, and not on experiment. It was said, that there had been an over-issue of paper money, notwithstanding its convertibility, but if it is granted that this may have occurred at particular times, and in particular cases, that did not affect the argument; for it has not happened for any lengthened period, because that check had been sufficient to prevent it; and he would venture to state to the House how the check operated. It was this—that if paper was forced into circulation beyond the wants of the community, that paper became depreciated; and being depreciated, it becomes the object of some persons to avail themselves of the right which on the face of that paper is given to the holder, namely, to demand gold in exchange for it; and does anybody suppose that this would not occur in a country like this, where it is the business of man, from morning to night, to see how he can turn a penny to account, to buy up depreciated paper and demand gold for it; and would not the issuers of the notes soon know that this would be the case, and would not that make them careful? Why, it was done during the war, and there was literally a trade in buying up depreciated local notes, in order to get gold for them. But then it would be said, what is the proof of the currency being depreciated? Why, if he looked to the rule laid down by the monopolists themselves, or if he consulted his own reason, he should say that the exchanges are at once an indication of that; for they would mark what would be the inevitable consequences of depreciation, namely, gold leaving the country. He said that was notice to any banking establishment in the country to be on their guard; and by all but a privileged body, which depends on something else but its own prudence to guide it, it would be so. But did any body, he would ask, stand up for such monopolies in banking as they had had in England and Ireland? No, all denounced them: then what is the excuse for continuing them. Why, some hon. Members say, "Oh don't do anything this year; let us go fairly into the subject next Session;" and then they would all come to some conclusion, and agree upon some uniform safe principle on which the banking of the empire should be rested, which would be permanent and applicable to every part of the country! But he wished to know what chance any one believed there was, that they would be more disposed or more competent next Session to discuss or to decide this subject than they were at present, or why more in 1843, as some proposed, than in 1840. Why is it that they were discussing the subject at this period of the year, and everybody shrinking from it? Why, because it was a distasteful subject to the House — because Members were uninformed about it—because it appeared difficult to understand, and because the mass of the constituencies would not be critical upon the conduct of a Member on such an occasion. Why, then—why was this to be different two years? Why, he asked, was the charter of the Bank of England renewed when it was? Was there any doubt about its mischief or its impolicy at the time? Look at the discussions four and five years before it was renewed —can anybody doubt that the subject was not fully understood then by some men— and was not the renewal then deprecated even more strongly than now? —and yet was not the state of the House and the mind of its Members such that amidst the pressure of other business they suffered it to be renewed. And so surely will it be renewed again in 1844, as the bank of Ireland charter was about to be renewed again now for four years avowedly, and as he firmly believed for ten years after that. Nothing would prevent it but extreme vigilance on the part of some Members of this House on the part of the public. But, under these circumstances, let them not omit to avail themselves of this God-send of the natural expiration of one of these mischeivous monopolies, to show that it was not really their intention to perpetuate so great an evil upon the country. Nothing could recommend its continuance but its resting upon some settled recognised principle af policy, or the experience of some practical benefits which the country had derived from it, and he asked any man to say honestly, if he believed that the Irish Bank was based on any principle that could be defended, and if not, whether, in spite of all the evidence which they had collected, and the declared sentiments of the representatives of that country, they could believe, that it had been of any practical advantage? Under these circumstances he did beg of the House to consider, how far they were justified, without any urgent necessity for it, or without the pretence of any immediate evil being alleged, in continuing a system exercising so pernicious an influence upon the most important interests of the people of Ireland.

Mr. *Ellis* said, he was anxious to seek a brief indulgence from the House, seeing that he had been precluded last night from making any observations on the grave question under consideration, owing to the Chancellor of the Exchequer having anticipated him in rising, with the view of replying to the entire debate which then took place. His constituents were much interested in the question. The right hon. Gentleman had read an account of a meeting lately held in Drogheda; in consequence, however, of the copious remarks that had been subsequenly made by hon. Members, the manner in which they had been able upon personal and well established information to dissect the statement and expose its incorrectness, he could not congratulate the right hon. Gentleman upon any advantage which he had gained by relying upon newspaper authority. The question which they had to debate was, whether or not they should renew the exclusive privileges, with certain modifications, of the Bank of Ireland. The Chancellor of the Exchequer, in the opening portion of the speech which he delivered last night, remarked, that throughout the whole Session a question of more vital importance as affecting the interests of England, no less than those of Ireland, had not been introduced. He could not then forget, that they were discussing the propriety of renewing rhe charter on the 26th of July, and he rejoiced to hear the right hon. Baronet condemn her Majesty's Ministers for having delayed for so unreasonable a time the introduction of that measure. The bill having vegetated in the mind of the Chancellor of the Exchequer for nearly four years, and allowed to be of such absorbing interest, he wondered that it was not made one of the topics in her Majesty's Speech at the opening of the Session, except indeed that it would have afforded another more public proof, that the more important the Government considered any measures the more tardy were they in bringing them to maturity. He could not fathom the principle upon which the monopoly in favour of the Bank of Ireland was first created, much less why it should be continued. At any rate, the reasons were stronger against its continuance than against its creation, for when the money transactions of the country were limited, and supplies of corn and bank notes were chiefly looked to be drawn from the capital, some shadow of a reason might have been advanced for conferring exclusive privileges upon the Bank of Ireland. But the great strides effected in commerce, the vast and immeasurable extent of business, the increased and increasing enlightenment of the age, rendered the system of exclusive monopoly far too narrow-minded a policy to be adequate to the cumulative wealth and new wants which had arisen in the empire. If there were any argument at all for such a monopoly, it might be brought forward with equal or stronger force in favour of Liverpool, whose industry, commerce, and wealth might challenge a comparison with those of Dublin. The Bank of Ireland did not regulate the exchanges—that was done by the Bank of England, which had difficult and different functions to perform, they had a large national debt, an enormous unfunded debt, and these were some reasons, therefore, why they should possess a control over the circulation of the paper money of the country. Whilst monopoly in any shape was to exist, let it be confined to the Bank of England, which could regulate the currency much better single-handed, than in connexion with the Bank of Ireland, for it was in evidence that the latter had at one time, by its imprudent conduct greatly distressed the former by not simultaneously raising its rate of discount. The right hon. Gentleman had expressed an opinion in favour of an uniform and central issue. He (Mr. Ellis) concurred in that opinion; but the Chancellor of the Exchequer was departing from that principle in seeking to revive the exclusive privileges of the Bank of Ireland. The right hon. Gentleman felt the pinching part of the question was to be found in the satisfactory manner in which the principle of joint-stock banking was carried on in Scotland. Let them reflect upon the evidence which was given in proof of the wholesome workings of that principle in the correspondence which took place in 1826 between the Treasury and the Bank of England relative to an alteration in their exclusive privileges. Referring to the great distress which had been felt in the money market throughout the country, the Lords of the Treasury observed,

> "We have a further proof of what has been advanced in the experience of Scotland, which has escaped all the convulsions which have occurred in the money-market of England for the last thirty-five years, though Scotland during the whole of that time has had a circulation of 1*l.* notes; and the small pecuniary transactions of that part of the United Kingdom have been carried on exclusively by the means of such notes. The failures which have occurred in England, unaccompanied as they have been by the same occurrences in Scotland, tend to prove, that there must have been an unsolid and delusive system of banking in one part of Great Britain, and a solid and substantial one in the other."

What was to prevent the introduction of the Scotch system into Ireland? What would be viewed as an impediment to it, instead of any effort being made even gradually to approach it? The revival of the charter of the Bank of Ireland. By a glance at the whole of their proceedings, it would be seen, that selfish and not public interest was the moving principle of the Bank of Ireland. That establishment, it was plain from Parliamentary returns, made by legitimate banking only, 116,207*l.* per annum, and 253,013*l.* by other means, derived from the monopoly. Was it just or rational that such a system should be continued? The right hon. Gentleman had last night quoted from a pamphlet, but in a most unfair, garbled, and unstatesmanlike manner, supposing, no doubt, that the debate will then have concluded, and that no one would have an opportunity of detecting him. After reading and carving out of a paragraph extracts favourable to the Bank, he had entirely omitted the remaining portion, which told quite the other way, and in which the Bank was described as "indifferent alike to the public prosperity or distress, equally insensible to pity or generosity, and as the vampire of the national weal." Was that fair dealing towards the House on the part of the Chancellor of the Exchequer? To show the working of the bank system, he would take the case of Newry. According to the report of the Irish railway commissioners, its population exceeded 13,000, and its export and import trade was of the value of 1,135,547*l.* Till 1826 it had no accommodation from the Bank of Ireland. Its commerce had been steadily increasing, but of late years the Bank of Ireland had gradually decreased its accommodation. In 1832, the total average discounts of the Bank of Ireland were 293,800*l.*, on which they charged 14,020*l.* interest, while in 1836 the discounts amounted to only 162,600*l.*, with 7,890*l.* interest. Newry was only an instance of the way in which other good trading towns in the north of Ireland were treated, and actually driven to remote places for banking accommodation. It was a mistake to say, that to refuse to renew the charter was to sanction an unchecked system of joint-stock banking. Over and over again the Chancellor of the Exchequer had been told, that parties were willing to enter into any reasonable security he might propose for placing the joint-stock banks on a sound footing. Another great mistake was to suppose, that because the Bank of Ireland, as an association of individuals, had done an excellent banking business, it was not open to observation and censure when viewed as a national establishment. It had been endowed with vast immunities for the public good, but the public had suffered by the monopoly, whilst the Bank had fostered its own private interests. By the last official returns, it appeared, that there was a million and a half of public money in that establishment for which no interest was paid, and, at the same time, the Chancellor of the Exchequer had borrowed two millions and a half at 4½ per cent., so that the country pays 115,000*l.* annually for money over which it ought to have a complete control. In conclusion, he thought, that by every means in their power, they ought to encourage the introduction of capital into Ireland; but they would not treat that country fairly, if they consented to renew the privileges of the Bank of Ireland. One thing was clear, that the greater the number of banks they established, the more limited became the district of each, and the less the shock to public credit when failures took place. The Irish were accused of being improvident. Let them induce the middle classes to deposit their money in banks, instead of devising means of expending it so soon as they have gained any, and frugal habits would be formed, while morals would be improved. By throwing the monetary transactions of the country into sound and legitimate channels, they would develop the resources and promote the prosperity of Ireland.

Mr. *O'Connell:* The right hon. Member for Tamworth made an observation which he thought deserved an answer; and that was, that the questions of banking, as they affected the entire empire, ought to be examined at once. That might be very well done by taking up the subject early next Session, and reserving the present bill for that time. He should hope there would be sufficient attention given to the Irish question if it were mixed up with the English. If it were not, he despaired of its being properly canvassed. The conduct of the right hon. Gentleman the Chancellor of the Exchequer throughout these proceedings, was certainly calculated to confirm the view of those who thought his character more marked by ingenuity than candour. He pressed upon the House the propriety of postponing the question till next Session, and he would, therefore, move, that "the Chairman do now leave the Chair."

The Committee divided:—Ayes 24; Noes 80: Majority 56.

The Committee again divided on the original question:—Ayes 79; Noes 24. Majority 55.

List of the Ayes.

Acland, T. D.
Adam, Admiral
Baker, E.
Bannerman, A.
Barnard, E. G.
Blair, J.
Blake, W. J.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, Sir J.
Clay, W.
Cooper, E. J.
Craig, W. G.
Crompton, Sir S.
Darby, G.
Denison, W. J.
Donkin, Sir R. S.
Douglas, Sir C. E.
Egerton, W. T.
Eliot, hon. J. E.
Euston, Earl of
Ferguson, Sir R. A.
Gaskell, J. M.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Guest, Sir J.
*Hawes, B.
Hawkins, J. H.
Hinde, J. H.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Hoskins, K.
Howick, Viscount
Kemble, H.
Law, hon. C. E.
Liddell, hon. H. T.
Lushington, rt. hn. S.
Macaulay, T. B.
Mackinnon, W. A.
Marshall, W.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Murray, A.
Palmer, C. F.
Parker, J.
Parnell, rt. hn. Sir H.
*Pechell, Captain
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, D. R.
Plumptre, J. P.
Rice, rt. hon. T. S.
Richards, R.
Rutherfurd, rt. hn. A.
Sanderson, R.
Sanford, E. A.
Seale, Sir J. H.
Smith, J. A.
Stanley, hon. E. J.
Steuart, R.
Strutt, E.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.
Vere, Sir C. B.
Walker, R.
Wood, C.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Worsley, Lord

TELLERS.
Dalmeny, Lord
Seymour, Lord

List of the Noes.

Aglionby, H. A.
Bridgeman, H.
Browne, R. D.
Ellis, J.
Ewart, W.
Hector, C. J.
Hindley, C.
Langdale, hon. C.
Muskett, G. A.
Norreys, Sir D. J.
O'Connell, J.
O'Connell, M. J.
Redington, T. N.
Scholefield, J.
Somerville, Sir W. M.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.
Wyse, T.
Yates, J. A.

TELLERS.
O'Connell, D.
Hume, J.

* Absent on the first division. Absent on the second division, Berkeley, hon. H.; Reid, Sir J. R.; Smith, R. V.

Resolutions agreed to.

The House resumed. The Report to be received.

Metropolitan Police Courts.] House in Committee on the Metropolitan Police Courts' Bill.

On clause 4,

Mr. *Law* proposed to amend this clause by requiring that barristers to be appointed magistrates under the bill should be of "ten" instead of "seven" years' standing, and that they should hold office during good behaviour. When he considered the extraordinary powers that were to be vested in those magistrates, and when he looked at what they had done with respect to all the corporations of the kingdom, he thought that these offices should be held upon at least the same tenure as that of recorder throughout the country. This bill proposed to supersede the functions of a common jury, and enable a single justice to convict her Majesty's subjects of felony. The public interest demanded, therefore, such a selection of barristers should be made as would command not only the respect of the public, but of the profession, and most particularly that they should not be removeable unless upon some good cause. He would not propose the tenure of judges, but merely " during good behaviour."

Mr. *Wakley* objected to the Secretary of State being limited in his choice to gentlemen of the bar. Why should they be bound to appoint lawyers, if other men, equally qualified, could be found? And in his opinion nothing could be easier than to find men quite as well qualified as lawyers were. No men to be met with in society were so utterly destitute of common sense as lawyers. One day they were engaged in showing that truth was falsehood, the next in proving that falsehood was truth; their understandings, therefore, became so perverted, that they ever afterwards found the greatest difficulty in separating the one from the other. The effect of such measures as this would be to convert the whole bar into a set of Government toadeaters. The question was one of great importance, and he was resolved to divide the House upon it. He concluded by moving that the words, " barrister of seven years' standing" be expunged.

Mr. *Law* said, he should vindicate the honourable profession of the law from assaults made upon it by the Coroner for Middlesex. The hon. Member had, perhaps, some misgiving respecting the office of coroner, and might, possibly, be apprehensive that at some future time a bill might be introduced declaring that none but Members of the legal profession should fill that office. In general, animals that were hunted felt a strong antipathy to those which hunted them—some persons there were who felt an antipathy to lawyers, and some even who hated judges.

Amendment withdrawn.

Clause ordered to stand part of the bill.

On clause 5,

Mr. *Law* moved the addition of the following words:—" And be it enacted that such magistrates so to be appointed shall hold their offices during good behaviour."

Mr. *Kemble* thought as the judges of the land had been rendered independent of the Crown, and as one of the objects of this bill was to improve the character of the magisterial bench, the persons appointed under it should not be liable to removal at the will of any individual. He should support the amendment.

The Committee divided on the amendment:—Ayes 25; Noes 84:—Majority 59

List of the AYES.

Alsager, Captain
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Cochrane, Sir T. J.
Cooper, E. J.
Darby, G.
Egerton, W. T.
Fielden, J.
Filmer, Sir E.
Grimsditch, T.
Halford, H.
Hodgson, R.
Hope, hon. C.
Lowther, hon. Colonel
Lygon, hon. General
Mathew, G. B
Pakington, J. S.
Plumptre, J. P.
Round, J.
Sheppard, T.
Sibthorp, Colonel
Vere, Sir C. B.
Wood, Colonel T.

TELLERS.

Law, hon. C. E
Kemble, H.

* The Noes may be ascertained by referring to the subsequent lists.

Clause agreed to.

On the 10th Clause,

And on the question that the blank relating to the salary of the chief magistrate be filled up with the words 1,400*l.* a-year.

Mr. *Hume* expressed his opinion that the advance of the salaries of the police magistrates from 800*l.* to 1,200*l.* a-year was too much. He thought, too, that 1,200*l.* was enough for the chief magistrate instead of 1,400*l.* He moved that the blank be filled up with 1,200*l.*

Mr. *F. Maule* said, that the amount of these salaries had not been fixed without reference to the evidence given before the Committee. As the police magistrates would have to attend every day at their courts from ten o'clock in the morning till five or six in the afternoon, 1,200*l.* a-year was not too high a salary for them. The chief magistrate had now 1,200*l.* a-year, which was just 400*l.* a-year more than the other police magistrates received at present.

Mr. *Hawes* said, 1,200*l.* a-year was not more than was given to other public officers not filling either such important or such laborious offices. The police magistrate must be a barrister and a gentleman, and must have a decent salary. The House was about to extend the duties of those officers, and to render them more responsible for the execution of those duties. He would rather cut down the salaries of the Lord Chancellor and the Lord

Chief Justice than the salaries of these magistrates.

Mr. *Grote* was of opinion that 1,200*l.* a-year was not too large a salary for the police magistrates, but would not make any difference between the chief and the other magistrates.

Committee divided on the original motion:—Ayes 46; Noes 62; Majority 16.

List of the AYES.

Acland, T. D.
Adam, Admiral
Anson, hon. Col.
Baring, F. T.
Barnard, E. G.
Cavendish, hon. C.
Chichester, J. P. B.
—Clements, Viscount
Eliot, Lord
Ferguson, Sir R.
French, F.
Grey, rt. hn. Sir G.
Hope, hon. C.
Howick, Viscount
Hutton, R.
Labouchere, rt. hn. H.
Law, hon. C. E.
Macauley, T. B.
Maule, hon. F.
Meynell, Captain
Morpeth, Viscount
O'Connell, D.
O'Connell, J.
—O'Connell, M. J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
—Pinney, W.
Protheroe, E.
Rice, rt. hn. T. S.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
—Scholefield, J.
Smith, R. V.
Stanley, hon. E. J.
Steuart, R.
Stock, Dr.
Talbot, C. R. M.
Thomson, rt. hn. C. P.
Warburton, H.
Wilmot, Sir J. E.
* Wood, C.
Wood Colonel
Wood, G. W.

TELLERS.
Solicitor-General, The
Buller, C.

List of the NOES.

* Aglionby, H. A.
Alsager, Captain
* Archdall, M.
* Bramston, T. W.
Bridgeman, H.
Broadley, H.
* Brocklehurst, J.
Brotherton, J.
Bryan, G.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
* Cooper, E. J.
Darby, G.
Douglas, Sir C. E.
Duncombe, T.
Egerton, W. T.
* Elliot, hon. J. E.
Filmer, Sir E.
Forester, hon. G.
Freemantle, Sir T.
* Greenaway, C.
Grimsditch, T.
* Grote, G.
Hall, Sir B.
* Hawes, B.
Hector, C. J.
Hinde, J. H.
* Hodges, T. L.
Hodgson, R.
Holmes, W.
Howard, P. H.
Jervis, S.
Johnson, General
Kemble, H.
Langdale, hon. C.
Lowther, Viscount
* Lushington, C.
Mathew, G. B.
Morris, D.
Pakington, J. S.
Palmer, C. F.
* Pechell, Captain
* Phillips, M.
* Pigot, D. R.
Plumptre, J. P.
—Redington, T. N
Round, J.
Seale, Sir J. H.
Sheppard, T.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, hon. W. O
* Strutt, E.
Teignmouth, Lord
Turner, W.
Vere, Sir C. B.
Vigors, N. A.
Wakley, T.
Wallace, R.
Williams, W.
Wood, Colonel T.

TELLERS.
Sibthorpe, Colonel
Hume, J.

— Absent on the second division 5.

* Voted with the Ayes on the second division 15; with the Noes 1. There were present on the second division, and not on the first, Fielding, J., Graham, Sir J., and Gordon, hon. Captain. The two former voted with the Noes, the latter with the Ayes.

Blank filled up with the sum of 1,200*l.*

The Committee again divided on the question that the blank for the salaries of the junior magistrates be filled up with the sum of 1,200*l.*. Ayes 57; Noes 49: Majority 8.—

House resumed.

FACTORIES.] The order of the day for the further consideration of the report on the Factories Bill having been read,

Lord *J. Russell* said, that in consequence of the noble Lord the member for Dorsetshire (Lord Ashley) having declared his intention of opposing the bill if it were not extended to silk mills, he (Lord J. Russell) had determined to withdraw the bill.

Report to be taken into further consideration that day three months.

HOUSE OF LORDS,

Monday, July 29, 1839.

MINUTES.] Bills. The Royal Assent was given to the following Bills:—Assessed Taxes Composition; Soap Duties Drawback; Indemnity; Supreme Courts (Scotland); Pleadings in Courts (India); Bills of Exchange; Turnpike Acts Continuance; and a number of Private Bills.—Read a first time:—Militia Ballots Suspension; Shannon Navigation; Jurors and Juries (Ireland); Public Works (Ireland); Postage Duties; Constables on Railroads.—Read a second time:—Letters Patent Act Amendment.—Read a third time:—Timber Ships.

Petitions presented. By the Earl of Fitzwilliam, and the Bishop of Exeter, from several places, for a Uniform Penny Postage.—By Lord Lyndhurst, from Bangor, against the Church Discipline Bill.—By Viscount Strangford, from Liverpool, against the Inland Warehousing Bill.

THE CHARTISTS.] The Marquess of *Londonderry* seeing the noble Viscount at the head of her Majesty's Government in his place, wished to ask whether it was his intention to take any further steps to increase the military forces in the north of England? He understood that ten days ago the magistrates had applied for troops, but that no troops had been sent, although the great disorder which prevailed in the neighbourhood of Newcastle might have been put down if that assistances had been afforded. On a a former occasion he had read two letters, stating that ten days since the magistrates assembled there and at Durham made an application for troops, and that the application was referred to the General commanding at Newcastle, who stated that he could not supply troops unless barrack accommodation was offered to them. There was no possibility of affording barrack accommodation, and the consequence was that no troops had been sent, and the greatest terror and alarm prevailed at Stockton-on-Tees, which was forty miles distant from any military station. It was true that a number of special constables had been sworn in, and that no great outbreak had taken place. Still, however, the people were in a state of alarm and terror. He had received a letter from a most respectable gentleman in that neighbourhood, and well acquainted with the Chartist proceedings there, and his correspondent stated that the Chartists had adopted an organized system, by which they exacted contributions, not only from shopkeepers, butchers, and tradespeople, but from householders; that they offered Chartist tickets for sale under the pretence that they were a grant of protection to the holders, and if the parties refused to purchase them, they were threatened with being shot and their houses burnt. Under these circumstances, he wished to know whether the noble Viscount intended to adopt any further means for the protection of the country beyond raising the 5,000 men now stated to be necessary?

Viscount *Melbourne* said, it was not intended to take any further steps; at the same time, if circumstances required that more troops should be sent into the district alluded to, they would be sent.

Subject dropped.

Controverted Elections.] Lord *Lyndhurst* moved the third reading of the Controverted Elections Bill, intended to regulate the trial of petitions against the validity of elections in the other House of Parliament. It was obvious that it was a measure of great importance, not merely to that House, but to their Lordships. He regretted extremely the necessity for any change of the law upon this subject, but the necessity of that change was admitted on all hands. It was admitted by both parties in the other House of Parliament, and by the general voice of the country; and the question was not, whether any change should take place, but what should be the nature of the change which should render the law efficient and complete. Their Lordships were well aware that previously to the passing of the Grenville Act, the trial of petitions in respect to controverted elections took place generally at the bar of the House of Commons; witnesses attended there, counsel were heard there, and but few Members were present during those proceedings. But the moment it became necessary to give a vote on any point of importance, the Members flowed in from the library and committee-rooms, and the question was decided, not with reference to the evidence and law of the case, but solely on the principles of party, and for party purposes. That was a matter of fact; and so much was it the case, that the immediate cause of the resignation of Sir Robert Walpole was, that he was beaten in the case of the Chippenham election by a single vote. When Mr. Grenville brought in his bill, he stated his reasons for bringing forward such a measure with so much force, that though his bill was opposed, and vigorously opposed, by the Minister of the day, the House of Commons were so satisfied of the necessity of such a bill, that it was ultimately carried by a very large majority in that House, and when it came up to this House it was passed by a large majority here also. When that bill came into operation it was found to effect completely all the advantages that were expected from it; and it was a remarkable fact, that those who had opposed the measure most violently, became at last some of its warmest admirers. Mr. Fox expressed in very strong terms his approbation of the bill.

"That bill, Sir," said he, in the proceedings on the Westminster scrutiny, "originated in a belief that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by ministerial influence, by caprice, and by corruption. Mr. Grenville's bill viewed this House as endowed with these capacities, and judging it therefore, incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute."

That speech was pronounced after the bill had been in operation twelve or fourteen years; and after long experience, therefore, had been obtained of the beneficial effects of the measure; and from that period down to 1831, the celebrated era of the Reform Bill, Mr. Grenville's Act continued to operate in the manner he had described. Now and then there might be a complaint of the decision of a committee; but in general, he might undertake to say, and he himself could bear testimony from his own recollection and experience, the decisions under Mr. Grenville's bill were approved of by the other House and by the country. Since the Reform Act passed, a great change had taken place, not all at once, but by degrees, in these committees. From that period party spirit had diffused itself through the committees; the decisions had been built, in many instances, upon party feeling and party spirit; and the evil had at last risen to such a height, that in the House of Commons, not one party, but both parties, had said it was necessary to apply a remedy for it. It became a matter of curiosity to inquire by what cause this change had been brought about, what had led to the extraordinary alteration that had taken place within so short a time in respect to the operation of Mr. Grenville's Act. It might be ascribed to several causes: one might be the difference in the composition of the House of Commons—the different materials of which it was now composed. But that was a subject too delicate for him to dwell upon; he merely touched it in passing. There was another thing which might have operated to have produced the change to which he had referred—he meant the composition of the House of Commons in another respect. Previously to the passing of the Reform Bill there was in the other House a body of persons independent of the Ministers of the Crown, and not in opposition to them; there was generally a very considerable number of Members generally supporting the Ministers of the Crown, but not ranging themselves as of the Ministerial party. But no such body now existed in that House. Now, mark what had been the operation of the circumstances he had stated. A considerable portion of that class of men would be returned upon the ballot for an election committee, which, in the first instance, consisted of thirty odd Members. The next operation, was, that each party would strike off alternately one, until the whole number was reduced to thirteen or eleven, the number required. But what was the manner in which that privilege was exercised? Each party would strike off the warmest of their opponents, and the individuals therefore who were thus struck off from each side would be party men. What, then, would be the result under the former state of things? Almost the whole number of independent persons first chosen would remain on the committee, to try the merits of the petition; there would be a great body of independent Members on such a committee who would be a security against any act of injustice or unfairness in coming to a decision upon the question raised by the petition. He considered that that was one of the reasons why the Grenville act in the former state of the House had operated beneficially; and why its benefits it had disappeared in the new composition of the House. There was another consideration: parties in the new House of Commons were nearly balanced, and every vote was of the greatest importance. In cases of petitions on controverted elections, therefore, there was a party struggle in the committees, and the desire for a victory was strong, and operated to produce a much greater degree of party spirit than when the loss of one or more votes was a matter of trifling importance. He had adverted to these different points for the purpose of showing how the Reform Bill had operated, why the Grenville Act, which had led to the formation of a tribunal, satisfactory to the House and the country, no longer answered the purpose, and why it was necessary that there should be a change in the present system. The first question which arose on coming to consider what tribunal should be substituted was, should it consist wholly of Members of the House of Commons? Or should a tribunal be established which would be independent of that House or out of that House? He did not mean to enter into any speculative inquiries on this subject, and for this reason, it was the privilege of the House of Commons, if they thought fit, to confine it to their own Members. They had declared that on this occasion they would do so, and their Lordships had no right to call their privilege in question. Therefore it was a mere speculative inquiry into which he did not think it either necessary or advisable to enter, whether or not a tribunal out of the House of Commons would be more effective and perfect than one in it. And their Lordships had no right to complain of the House of Commons in this respect, for they did the same thing; in doubtful cases respecting peerages, they allowed no other tribunal to interfere with them. Those cases were considered as peculiar to their Lordships' house; they had the right to decide them, and they suffered no other body to interfere with their right. This was an ancient privilege of the House of Commons. In the time of Elizabeth, and afterwards in the time of James, it was attempted to be broken in upon; but they resisted the attempt, and it was stated by one popular historian, and he thought rightly stated, that this was an inherent privilege of an assembly constituted like the House of Commons, and that it was necessary that they should possess and exercise such a power. Having made these preliminary observations, he would, if their Lordships would allow him, point out the provisions of the bill, and he thought they would be satisfied that the tribunal about to be constituted, was likely to be effective for the discharge of the duties for which it was to be appointed. Their Lordships were aware that the bill was originally suggested by a right hon. Baronet in the other House, who had framed and introduced it, and who had distinguished himself on several former occasions by the introduction of laws of a most beneficial character. The Speaker for the time being, at the commencement of the Session, was to select six persons from the Members of the House of Commons, to constitute what was called the general committee of elections. Those six persons were to select, at their discretion, six other persons, from time to time, to try any particular election, the validity of which was questioned. With respect to the principle of this plan, he had heard it objected, that it was doubtful how it would operate, for this cause:—the Speaker was, of necessity, a party man. He was selected by a party—generally by the Ministerial party—and he would therefore feel a tinge of party spirit, which would display itself, at least to a certain degree, in the selection of the first general committee, and that committee being tainted also with party spirit, they would be influenced in the selection which they had to make of those whom they would be called upon to appoint. But when they came to consider the manner in which this plan would operate, he thought they would feel that there was no validity in the objection. It was true the Speaker was selected by a party, and that party generally the Ministerial party, but he must of necessity be a man of respectability and character, or he would not have been placed in that situation. He must also feel and know, that from the moment he was appointed Speaker, it became his first duty to lay aside all party feelings and considerations. He must know also, that his character in the country, and with the Parliament, depended on his impartiality; nay more, that even his character with the very party which placed him in the chair depended on it. This was, therefore, the greatest assurance that the first appointment would be impartial, from the character of the individual by whom it was made, but more so from the nature of the act which was to be performed. It was to be performed in public; it was the most important duty he could be called upon to discharge; and it was almost impossible that the person in that situation, with the eyes of the Parliament and the country upon him, should not discharge that duty faithfully, and, as as far as possible without any party feeling. There was this farther security, if farther security was required, that the return of the six Gentlemen was to be laid before the House, in order that any person might call attention to the subject, and object to the panel, either entirely or in respect to any individual placed upon it. He did not suppose it likely that any such objection would ever be made; but if the Speaker knew that an opportunity was thus given, there was an additional security for the performance of his duty uprightly and honestly, and in a manner to satisfy all parties. The next step in the progress of this machinery was, that the general committee were to divide the House into five panels. This was done for the convenience of Members, the five panels being taken in rotation, so that they would always know, from week to week, when their attendance was required. Having stated all he thought necessary in explanation of the plan, he would call to the recollection of their Lordships, that they had adopted a similar system with respect to the appointment of private committees in their own House. They were aware, that formerly complaints were made, that the business was unsatisfactorily conducted before the private committees. Applications were made to the members of the committees, solicitations were urged, and, indeed, the whole system was such as to give great dissatisfaction to their Lordships, and to the country. They then determined upon an amendment, and adopted a principle similar to that of the bill which he had now proposed. That system had worked exceedingly well, and all the complaints which existed before with respect to the manner in which the business was executed had been entirely removed. He did not say, that the two cases were exactly similar; but in both, solicitation had been got rid of; and it was but fair to conclude, that the same good effects would follow from the adoption of this measure as had resulted from the system which had been adopted in their Lordships' House. There was another point relative to the machinery of the bill which was of the greatest importance. After the Committee was constituted, the next matter for consideration was the appointment of a chairman. Nothing could be more important to the beneficial working of the plan than the character and qualifications of the chairman. It was material that the chairman should be a man of great experience, of great intelligence, and of a high reputation for fairness and impartiality. If the appointment was left to the Committee which had to try the merits of the return, a person might possibly be chosen, who was possessed of none of those highly essential qualifications. It, therefore, had been considered proper that the General Committee of Election should have this power of nominating a certain number of persons to be called the chairman's panel, to be composed of six or ten or twelve members, as might be deemed necessary. That panel, so framed, would, of course, consist of Members the most conspicuous for intelligence, impartiality, and character, and thus ensure a competent person to fill the chair. When the Committee was appointed for trying the merits of the return, then came the consideration of the person to be appointed chairman, and it was provided by the bill that the chairman should be selected from the chairman's panel, and, in consequence of that selection, be placed at the head of the Committee. It, therefore, appeared, that the chairmen were, in the first place, to be taken from the whole House, and the chairman's panel formed, and then that the members of that panel were to have the power of selecting the persons who would have to fill the chair of each election committee. Such was the mode in which the chairman was to be appointed. He had thus detailed the chief provisions of the measure, and let them now compare its probable operation with the operation of the Grenville Act. If the six Members appointed by the Speaker as the General Committee of Elections were, as they undoubtedly would be, men of intelligence and character, they would have a Committee for the trial of the return selected by persons the best qualified for such an office, and a tribunal would be secured the least likely to be affected by party spirit, and the most likely to act with fairness and impartiality; they would have a Committee in which all parties would place confidence. But under the Grenville Act the case was different. The Committee was not selected, but chosen by ballot. When the ballot had taken place, the parties interested retired, and each party had the privilege of reducing the list by one, till the number given by the ballot was reduced to the number constituting the actual Committee. And on what principle was the reduction made? Each party struck out its adversaries, and always those first who were the most able and intelligent, and the least actuated by party spirit, and in consequence of that proceeding the Committee when at last determined, must have consisted of party men. But while a spirit of party was thus infused into the Committee, it so happened that those party men were not the most distinguished by intelligence, nor were they persons the most esteemed, because by the process which was acted upon, and which was called "striking out the brains," all the most eminent Members were got rid of. In the Committees, therefore, appointed under the Grenville Act, party spirit had no restraints, and in consequence the system had not given satisfaction to the parties interested, to Parliament, or to the country. In the other House of Parliament, and while this measure was under consideration, it had been suggested, that it would facilitate the labours of the Committee, and improve the system to be adopted, if assessors were appointed. That suggestion, however, had been strongly opposed, particularly by those who had framed the bill, and it had ultimately been decided not to have assessors, because such appointments would have been contrary to the principles of the bill, which was that election tribunals should be composed exclusively of Members of the House of Commons. Such was the character of the bill for which he now solicited the approbation of their Lordships. It had been approved by the House of Commons and by the Members of the Government, and sent up to their Lordships' House with the general consent of all parties. There were many other points of the measure of great importance indeed, but on which he should not trouble their Lordships at any great length. Great improvements had, for instance, been made in the existing law relating to recognizances, with the view of preventing those preliminary discussions which, under the Grenville Act, had tended in the very outset of the proceedings to create a party spirit. Alterations had also been made in the law relative to costs, with the view of securing justice more effectually to parties concerned in case of vexatious proceedings. The object of these alterations was to indemnify those who acted fairly and honestly, and to mulct those whose proceedings were harassing and vexatious. He thought he had now discharged his duty, and fulfilled the promise which he had given to their Lordships. He had simply pointed out the nature of the measure, and the character of the details; he had shown how the bill would work, the inconveniences of the old system, and the mode in which it was proposed to remedy them, and it only remained for him to move, that the bill be now read a third time.

Lord *Wrottesley* much approved of this measure, and should give it every support in his power. The whole country was dissatisfied with the old system, and, in his opinion, justly so. The House of Commons had acted wisely in continuing the jurisdiction in its own Members. If they had not done so, they would have told their constituents, that out of the 658 Members of the House of Commons, it was impossible to form an honest and impartial tribunal. In his opinion the House of Commons had done itself great credit by the preparation of this bill.

Lord *Brougham* highly approved of this measure, which did great credit to the sagacity of those who framed it. As the other House had taken one leaf out of their Lordships' book, he trusted they would take another also, and apply the same principle as that on which the present bill was framed to their private legislation.

Bill read a third time and passed.

COPYHOLDS ENFRANCHISEMENT BILL.] Lord *Brougham* rose to call their Lordships' attention to a bill, framed with the greatest care, and founded upon the soundest principles. This bill proceeded from the Real Property Commissioners, who, after much inquiry, had produced a report on the subject of tenures. He should state shortly to their Lordships what the objects of the bill were. A great part of the landed property of the country was built over by towns, or it was situate in the neighbourhood of towns, and was, therefore, likely to be built over, and much of this property was held by the tenure called copyhold. Lord Coke, and after him Mr. Justice Blackstone, said that this tenure, though not of a high family, was of a very ancient house, coming as it did from the ancient villeins. By degrees those villeins obtained possession of their lands, and there grew up a firmer title, but still in the eye of the law the possessors of those lands were merely tenants-at-will, although under very peculiar circumstances; the will of the lord being determined by the customs of the manor. Now, the manner in which the customs arose in each particular manor, formed the groundwork of the bill which he had the honour to propose to their Lordships. In each manor the customs varied, and constituted a code of law which, however different from that which obtained in other parts of the kingdom, was the law of that manor. Now, let them only look at the consequences of this. The position of the ground, and its quality, whether wood, river, or mine, the state of the inhabitants, the degree of their civilization, the amount of property held by the lord, the amount of property held by the tenant—nay, more, the mere caprice of the lord, became severally the origin of all the diversities in the customs of manors which had since sprung up. There was not a greater diversity in the laws which affected the customs of France before the Code Napoleon amalgamated and melted them all into one, than at this moment was to be found in England. The first diversity respected the enjoyment of land, particularly the leasing power. Generally speaking, the tenant could not lease for more than a year, but with the consent of the Lord he might grant a lease for a longer term. In many manors, however, the copyholder might lease for seven years, in others for nine, in others again for life, and in one manor the custom was for the copyholder to lease for life and forty years afterwards. In like manner the custom varied in different manors as to the amount to be paid to the lord for his license to lease. The amount was sometimes perfectly indefinite, and the Lord of the Manor might demand whatever sum he pleased for his consent, and consequently the copyholder in many instances could not lease at all. In other manors the tenant might lease on payment of a fine certain, and the amount of that varied in different manors. So much as to the mode of enjoyment as far as tenure was concerned. But there was another diversity. The timber which grew on copyhold land could not be cut down by the copyholder without the consent of the lord in many manors, and indeed it was a common proverb all over England, " The oak will not grow except on free land." So with respect to the enjoyment of underground property; mines and minerals generally belonged to the lord, but by special custom to the tenant, and sometimes the property was to a certain extent in the lord and to a certain extent in the tenant. The consequence was, that in these cases the mines could not be worked without the joint consent of the lord and the tenant. So again, as many diversities prevailed in the customs affecting free bench or dower, and the transmission of the copyhold property by descent. The widow of the copyholder was sometimes entitled to a third of the property for her dower, sometimes to a moiety, and sometimes to the whole. Then, again, when the property passed by descent, it came sometimes to the eldest and sometimes to the youngest son; in some manors all the brothers took together, and no son at all; sometimes it passed to the youngest daughter, sometimes to all the daughters in coparcenary, and sometimes the eldest daughter took all. There was equal variety in respect to the conveyance of the property, whether by transfer *inter vivos*, or by will, and also in respect of the amount of the fine payable on the transfer. Then, again, the customs differed with respect to heriots. Their Lordships knew that a heriot was the best chattel which the tenant had, and he believed that the race horse Smolensko was once claimed as a heriot. (A *noble Lord*, Waxy was also taken as a heriot). But the evil did not stop here. If a piece of copyhold land descended according to the custom of gavelkind, all the sons had to pay a heriot, and if the land were divided for building purposes, it might so happen that 90 or 100 heriots would be payable. He had said enough to show their Lordships that they ought to get rid of these diversities in the law, which without doing much good to the landlord, were exceedingly injurious to the tenant. It was proposed, therefore, to give facilities for voluntary enfranchisement, and failing that, to have recourse to compulsory powers. The tithe commissioners, who had judiciously and successfully carried the Tithe Commutation Act into effect had consented to take the superintendence of this measure. There was no compulsory power under the bill, with the exception that a binding power was given to the majority of copyholders over the minority; and whenever the lord of the manor, together with more than one-half of the copy-holders in number, and more than three-fourths in value, assents to enfranchise all the copyholds, the provision was made to enable them to avail themselves of the power of the commissioners by appointing valuers, obtaining reports, settling disputes, and fixing the amount of compensation to the lord. The noble and learned Lord concluded by moving, that the bill be read a second time,

Motion carried.

Lord *Lyndhurst* trusted the noble and learned Lord did not intend to press the measure forward this Session, because many noble Lords interested in the matter had left town with the impression that it would not be brought on.

On Lord *Brougham* moving that the bill be committed, their Lordships divided:—Content 28; Not-Content 39: Majority 11.

Bill put off *sine die.*

Lord *Lyndhurst* begged to state, that he did not object to the principle of the bill, but to its details; and that he should be happy to assist his noble and learned Friend (Lord Brougham) in framing and passing a measure similar in principle next Session.

POLICE OF THE METROPOLIS.] The House in Committee on the Metropolis Police Bill.

Lord *Ellenborough* wished to draw the attention of their Lordships to some facts of this bill, and more particularly to the manner in which several provisions of it were thrown together in one measure. Some of the clauses were, in his opinion, too general for a local bill of this kind, and ought to have been confined to the locality of the metropolis, or to have been embodied in a separate bill. He must complain of the 42nd clause, which prevented persons from being admitted into the houses of licensed victuallers before a certain hour on Sunday, as it might fall peculiarly hard on persons who had just arrived in town. By the clause which provided against any noisy instruments being used in the public streets for calling persons together, a church bell could not be rung, after the Monday following the passing of this act, without a penalty of 40*s.* being incurred. Punch, too, and that whole class of amusements, must cease the instant this bill was passed. At the same time, it might be very difficult to frame a clause so as to save punch and church bells. There was also a clause which would fall peculiarly hard on those persons who on a Sunday were accustomed to visit their friends, and were generally known by the name of a "bore," for there was a penalty imposed upon "every person pulling any door bell, or knocking at any door, without lawful excuse." Besides, as soon as this bill passed, no noble Lord could take home a friend in his cab or carriage, which on a wet night was so extremely convenient, without being liable to a penalty of 5*s.*, unless indeed he had previously asked the permission of his coachman, for the Aet said, that every person riding upon, or causing himself to be drawn by, any carriage in the metropolitan district, without the consent of the driver thereof, shall be liable to a penalty of not more than 5*s.*" By the 61st clause, too, constables were allowed to destroy any dog that was suspected to be in a rabid state; but that was confined to a circuit of fifteen miles from Charing-cross, so that beyond that distance hydrophobia might rage to any extent. His object, however, was to press on their Lordships, that it was wrong to throw together in one bill provisions which ought to form at least four different measures. Those clauses relating to the police force only might form one; other clauses as to the Thames police, a second; the different offences to be punishable in the metropolitan district, a third; and the other clauses, especially those respecting public houses, and which were of a general character, the fourth. But he would not propose any amendments, although he thought some ought to be made in those particulars, because there had been great difficulty in getting this bill through the House of Commons, as it was, and he might thereby endanger its passing at all.

Viscount *Duncannon* said, all the clauses in this bill had been taken from other police bills. He had no objection to introduce a few words to confine the clauses to the metropolitan district. With respect to the ringing of church bells, he did not think this clause would be construed so strictly as the noble Lord had stated, or that any magistrate would convict a person on that account, for the clause was intended only to prevent such noises as were considered a nuisance.

The Earl of *Wicklow* considered the bill extremely useful. At the same time, the provision against unlicensed theatres was very hard, particularly the power given to arrest any persons seen to enter them.

The Bishop of *London* hoped the noble Earl did not allude to the penny theatres, which were the greatest sinks of vice and iniquity in the vicinity of London, and were amongst the greatest nuisances of the metropolis. These could only be put down by giving the magistrates summary jurisdiction.

Bill passed through the Committee with amendments.

SUSPENSION OF ECCLESIASTICAL PREFERMENTS.] Viscount *Melbourne*, in moving the second reading of the Ecclesiastical Preferments Suspension Bill, said, that the object of the present bill was to suspend for one year the appointment to cathedral preferments, except under certain specified circumstances, so as to allow time for further inquiry, and to give Parliament in the next Session time to carry out the measures recommended by the ecclesiastical commissioners.

The Bishop of *Exeter* would briefly state the grounds on which he should move, that the bill be read a third time that day three months. The noble Viscount had laid no ground for calling on their Lordships to assent to the bill. The ground that Parliament had passed similar bills before was no justification of this, because no hope was held out that the inquiries would be more complete, or that Parliament would be better prepared in the next Session to pass the measures alluded to than it was in the present. Much injustice would be inflicted on tenants and lessees of church property if their Lordships passed this bill. No leases which might fall in could be renewed. The only evil that could possibly accrue, if the bill were not passed, would be to fill up vacancies which might arise, till the commission could bring forward a bill. The right rev. Prelate concluded with moving, that this bill be read a second time that day three months.

The Bishop of *Rochester* thought the bill most unjust to the whole of the clergy and to the welfare of the Church. The bill ought not to be brought forward at this period of the Session. He considered this measure as a precursor of a more general one.

The Bishop of *London* concurred with his right rev. brother, who had just sat down, in what he had stated about bringing forward the bill at that period of the Session. He thought, however, that it should be continued. He would not give his vote for the second reading, if it were not for the understanding that her Majesty's Government would submit early in the next Session of Parliament the Ecclesiastical Duties and Revenues Bill to their Lordships.

The Earl of *Wicklow* thought they might do away with the prevention of renewing lessees, and put an end to one of the most powerful objections against the measure.

The Archbishop of *Canterbury* said, that a rectory preferment in Berkshire now vacant, would still be suspended till the bill that was proposed to be brought in for the suspension of sinecures was passed. If that bill were brought in, and did not pass, that sinecure rectory must be presented to, and it would be continued for the life of the person who received it. He was speaking in this instance against his own interest, because that sinecure was in his own gift. That, and another sinecure, of very considerable value, had been placed at the disposal of the commissioners, and were to be disposed of in the way they might direct, by Act of Parliament. He considered that the mention of that circumstance would rather operate as an inducement to their Lordships to pass this Suspension Bill for this year. He hoped that the bill respecting collegiate churches and sinecures might be submitted to Parliament next Session; because, if not brought forward, he really did not see how their Lordships could be called on to pass another Suspension Bill.

Bill read a second time.

GOVERNMENT OF CANADA.] The Marquess of *Normanby* on the report of the Canada Government Bill having been brought up, moved an amendment on the third clause respecting the powers of taxation vested in the Governor and Council.

Lord *Ellenborough* contended, that a more distinct specification of what was intended by "local objects" in the clause ought to be given. He was afraid that the measure would not turn out to be a temporary one. The noble Marquess, he much dreaded, would come down next year with a bill for the same purpose as this, with some slight alterations, and so things would go on from year to year, Lower Canada continuing to be governed on the principles of this bill. He was opposed to the scheme of a legislative union of the two provinces, which he regarded as wholly impracticable, inasmuch as the Government would find arrayed against them so strong an opposition in the House of Assembly as it would be impossible for any Government to contend with. The scheme, too, if practicable, would, he was convinced, prove the worst possible form of Government for the lower province. To setting up the forms without the substance of the British Constitution, he was utterly opposed. Nothing better than this could result from the project of an union, for more than a formal resemblance to British institutions could scarcely be expected amidst a population who were so completely different in habits, manners, and feelings, and among whom the trial by jury would not, he feared, afford any prospect of impartial justice. However, he was not without hopes that peace, tranquillity, and loyalty, might be recalled to the lower province by re-establishing a popular Government there. He thought further, that the Imperial Legislature ought to give the people of Lower Canada the largest means of improving their condition and that of the country by their own industry; but above all things, the most important omission, on the part of the Government, was their non-adoption of those measures so earnestly pressed upon them by Lord Durham for improving the internal communications of the two provinces, which would at once improve their commerce and make them strong in affection for this country.

The Marquess of *Normanby* was disposed to agree with the noble Baron who had just sat down, in the importance with which he viewed the improvements in internal communication, and he could assure the noble Baron that it was not from any lethargy that the Government had not turned its attention to those points, but from the difficulties in the way of practically effecting those suggestions. Neither did the Government fear hereafter being able to establish a settled form of government which would be satisfactory. The object of taxation he thought to be clearly defined in the clause by the words "local improvements," meaning thereby, improvements not confined to districts, but extended over the whole country.

The Duke of *Wellington* believed that the House had agreed generally that powers should be given to the Governor and Council to levy taxes for local improvements, but it appeared that the Governor's correspondence and the report made by the Council to the Governor, pointed to measures which could not in this country be deemed to be local improvements. He did not understand that either this or the other house of Parliament had approved of a general extension to the Governor and Council of powers to levy taxes, to establish local jurisdictions, to build gaols, or for many other objects adverted to both in the despatches of the Governor and in the report of the Council. Now, it was very desirable that this bill and the powers which it conferred should not be misunderstood in Lower Canada; and under these circumstances he (the Duke of Wellington) earnestly recommended that a few words should be added to the proviso at the end of this clause, stating to what objects the power of taxation should not be extended—in other words, setting forth from the words in the despatch and the report those measures and objects to which it was not the intention of the Government of this and the other House of Parliament that the power of taxation should apply.

The Marquess of *Normanby* said, he would endeavour to have a proviso framed before the third reading, to meet the views of the noble Duke.

Report agreed to.

HOUSE OF COMMONS,

Monday, July 29, 1839.

MINUTES.] Bills. Read a second time:—Slave Trade Treaties.—Read a third time:—Postage Duties; Public Works (Ireland).

Petitions presented. By Lord G. Somerset, from Minchinhampton, against the Poor-law Amendment Act.—By Mr. Wallace, from a place in Ayrshire, against the system of Church Patronage.—By Mr. Barnard, from Greenwich, against the New Poor-law.—By Mr. Sanford, from the Silk Throwsters of Somersetshire, against the Factories Bill.—By Mr. Hawes, from some place, against the Abuses in Lunatic Asylums.

STATE OF COCKERMOUTH.] Mr. *Mackinnon* rose to put a question to the noble Lord the Secretary for the Home Department on a subject of considerable importance: but he must in the first place read a communication which had been sent to Lord John Russell, and his Lordship's answer. The communication stated, that in April last, in consequence of the violent conduct of the Chartists, a letter was addressed to Lord John Russell by the magistrates of Cockermouth, stating that a considerable number of pikes had been made, and were still making, in Cockermouth and the villages adjoining; that the makers were known; that language was held out of a general rising; that the magistrates had no power to keep the arms which might be seized; that they therefore were compelled to solicit the advice of the Government with respect to the search for arms, and also such instructions as might exonerate them from being charged with supineness and neglect of duty on the one hand, or illegal rashness on the other. The magistrates also solicited his Lordship that a company of infantry might be stationed in Cockermouth, otherwise, being entirely without police, it was feared that life and property would soon be in an insecure state. The application was made to Lord John Russell on the 9th of April last, and his Lordship in his answer refused to give any assistance, or even any advice, how they were to act. Since then repeated applications had been made, all of which had been treated with neglect and indifference. The alarm of the inhabitants had greatly increased, and, at a meeting at which all the magistrates attended, they unanimously resolved to put themselves under the direction of any person the Government might select. An application was made to the Government for arms, which were peremptorily refused. In the mean time, from the excited state of the town, and there being no troops within twenty-six miles, it was deemed expedient by the magistrates to send for the militia staff from Whitehaven, consisting of eight men, as a nucleus round which they might rally. They received a rebuke from Lord John Russell for incurring the additional expense of these men, the total amount of which was 3*s*. 6*d*. a-day. On the 15th July the magistrates clerk received a letter to the following effect:—

"Sir, I am directed by Lord John Russell to acknowledge the receipt of your letter of the 13th inst. In one part you remark that there is no doubt that the evil has arisen from the impunity with which these men, the makers of pikes and daggers, have been allowed to proceed since the month of March last, owing to the magistrates having no force at command to prevent a breach of the peace, which would have arisen in executing any warrant for their apprehension. Lord John Russell directs me to observe that this is the first time he has received any information from Cockermouth, and Lord John Russell regrets that earlier information as to the alledged state of Cockermouth has not been communicated to him."

This letter was signed "S. M. Phillips."

Lord *J. Russell* said, that with respect to the state of Cockermouth, he could not think it was proper to endeavour to draw him into a discussion as to all the transactions that might take place with respect to particular parts of the country. He had to consider several points before in such cases he came to a decision. First, he had to consider the representations made to the magistrates by different persons who, in the present instance, did not agree; he had next to consider the representations made by the Lord-lieutenant of the county, by the general commanding in the district, and the commander-in-chief. Now, with regard to the state of Cockermouth, he had consulted not only the Lord-lieutenant, but the general commanding the district, and the commander-in-chief; and the House, perhaps, might see that there were reasons both civil and military, why it might not be expedient immediately to comply with every request to disperse the troops under the command of the officer of the district into the various places from which demands might be made. And it was on consideration of these various matters that he did not think it desirable to send a military force on the 9th of April to Cockermouth. As to subjects which it was said he had neglected—the making of arms, the distributing of weapons, and the training of men—he had asked and obtained the opinions of the law officers of the Crown, and he had endeavoured to make those opinions known in every district of the country where such authorities might be required. He felt confident that there were authorities connected with the county of Cumberland who had received these opinions. When further complaints had come from Cockermouth, so far from disapproving, he had sanctioned the use of the small staff of the militia, and he had since agreed that there should be a small body of infantry sent to the town. He did not wonder that magistrates, finding themselves surrounded by a population, a portion of which was constantly exciting the people to outrage, should feel a great desire for some sort of military force. On the other hand, there were considerations to be weighed before it could be determined to send a military force into a particular town or district. It was only the day before yesterday that he had received a strong remonstrance from the general commanding the district, complaining of the too great facility with which he had complied with the requisitions from magistrates for a military force.

Mr. *Aglionby* said, since the subject had been brought forward by the hon. Member for Lymington, a great portion of whose statements were founded on misconception, he would ask the noble Lord to permit that correspondence to be laid before the House. He also wished to know whether the noble Lord had received any information respecting the conduct of one of the magistracy, an account of which he (Mr. Aglionby) had read in a Liverpool newspaper.

Lord *J. Russell* must decidedly object to the production of the correspondence. In answer to the second question of the hon. Member, he had to say, though he had seen the report in question, he had no authentic information upon the subject.

Subject dropped.

SHANNON NAVIGATION.] Mr. *Ellis* wished to ask a question of the Chancellor of the Exchequer with respect to the Shannon Navigation Bill. On the bringing up the report on that bill he distinctly gave notice of his determination to take the sense of the House on the third reading, and he was promised papers on the subject; but a course had been taken with respect to it that was unworthy of the station the right hon. Gentleman held in that House. The bill had been smuggled through the House at two o'clock on Saturday morning. He begged to know why such an unworthy course had been taken?

The *Chancellor of the Exchequer* said, with respect to the personal observation, he would not take the slightest notice of what had fallen from the hon. Gentleman. With respect to the papers alluded to by the hon. Gentleman, he had never told him they would be laid on the table of the House. On the contrary, he had told him quite the reverse—he had told him, that a letter from General Burgoyne would be put into his hands, but it was improper to lay either it or the other papers on the table of the House. So far as regarded the bill distinct notice had been given, and it was distinctly understood, that the bill was to pass the third reading that night. The hon. Member, therefore, had himself to thank for what had taken place, because if he had been in his place what he complained of would not have occurred.

COPYHOLD.] Sir *E. Sugden* said, that bills of equal importance had been passed through in the same manner; and it was necessary, that there should be some distinct understanding on this subject. He alluded to the instance of the Copyhold Enfranchisement Bill, a bill of great importance, to the compulsory clauses of which he had objected. He had been given to understand, that there should be sufficient notice when the bill was to be brought on. He had rested satisfied, that he would have an opportunity to state his objections to the bill. But when he (Sir E. Sugden) was absent, the bill was at a late hour of the night read a third time and passed. A more important bill, affecting as it did a great portion of the property of this country never passed the House; and yet that bill was never discussed, and had gone to the other House of Parliament without the opinion of that House having been expressed.

The *Attorney-General* said, that ample notice had been given, that the bill would be read a third time on the Wednesday evening. It was read soon after eleven o'clock, when he believed the right hon. and learned Gentleman was engaged at a great festival in the city.

Sir *R. Peel*: an understanding was come to, which he thought an equitable one, and one which ought not to have been departed from, namely, that his side of the House were not to offer any opposition to the progress of bills which were not contested, and that, on the other hand, the Government should not at a late hour press forward any bill in respect of which notice of opposition had been given.

The Order of the Day read.

UNIFORM PENNY POSTAGE.] The Chancellor of the Exchequer moved the third reading of the Postage Duties Bill.

Sir *R. Peel* wished to ask the right hon. Gentleman, the Chancellor of the Exchequer, whether he had given sufficient consideration to the details of the subject, so as to be able to state whether it were probable, that any general or partial experiment could be made on this subject before the House again met after the recess. It was of the utmost importance that this subject should be maturely considered. If the arrangements made to carry out the object of this bill should introduce any insecurity in the delivery of letters, it would afford greater encouragement than ever to the practice of illicit communication.

The *Chancellor of the Exchequer* said, that undoubtedly, if he did not entertain a reasonable confidence, that this bill would be actually brought into operation between this and the next Session of Parliament, he thought he should not be acting fairly if he asked the House to pass the bill this year. He certainly anticipated that, before the next Session of Parliament, if the House were to meet at the usual time, he should be enabled to try the experiment. With respect to the mode of trying it, that undoubtedly was a matter of very great importance, not only on the ground stated by the right hon. Baronet, namely the security of the delivery of letters, but also on the ground of security to the revenue, and also to the trades that might be involved in difficulty if they adopted any particular plan of trying this experiment, He could not say, that with respect to the mode of trying the experiment, the Government at the present moment were in possession of sufficient information to enable them to make up their minds as to the mode in which it could best be tried. He felt also that the measure must be accompanied with some provisions which should give a reasonable certainty of the safe delivery of letters. Without this, it would prove abortive. If they could not make the delivery of letters safe, it would be in vain to make it cheap. The best efforts of the Government should be applied for the purpose of securing the safe delivery of letters. Unless this were done, the plan would never prove satisfactory to the public.

Mr. *Warburton* said, that the plan of registration of letters, as recommended by Mr. Hill, would provide ample security for their safe delivery. They would be delivered with as much security as newspapers.

Bill read a third time.

On the motion that the bill do pass,

Sir *R. Peel* said, that the remark of the hon. Member for Bridport had rather alarmed him. The hon. Member said, that letters sent by post, and charged a penny, would be delivered as securely as Newspapers. There was a security with respect to newspapers which they had not with respect to letters. There were few persons who did not expect newspapers, and if they were not delivered properly they would go and make inquiry. There was, therefore, a positive check with respect to newspapers. But poor persons to whom letters were written, not expecting them would have no such motive for inquiry. He thought, that it would be a great obstruction to the advantages that were expected to accrue from this measure if it were attended with any insecurity. He thought, they might advantageously try the experiment in the first instance with the two-penny post in London, and with the experience of that trial, they might call upon Parliament to make the plan general. There was another point also to which the attention of the Government ought to be directed, namely, that they should not impose too much trouble upon the obtaining of stamps or stamped paper. With respect to the registration of letters, that, he thought, would become a sort of privileged postage; the rich would pay, the poor would not. And the consequence would be, as now with the early delivery, to postpone the great mass of correspondence and to make unregistered letters more insecure.

Bill passed.

BIRMINGHAM POLICE.] Lord *John Russell* moved the Order of the Day for going into Committee on the Birmingham Police Bill.

Sir *R. Peel* wished to make a few observations upon this subject, which, perhaps, it would be more convenient for him to do now than when in Committee. There were some suggestions which he had to offer, and which he hoped sincerely the noble Lord would adopt, for the alteration of the details of this bill. If, however, the noble Lord should reject these suggestions, he should feel obliged to take the sense of the House upon some of them, when in Committee, with a view of trying the question. The suggestion which he had in the first place to offer to the noble Lord was, that the noble Lord should, in the present position of affairs in Birmingham, take to himself for a time the power of appointing a salaried magistrate to superintend the police of that town. He asked that the noble Lord should do this only for a time, say for three years, until it should be decided under whose control the police force of that town should hereafter be placed. His intention was to give such support as he could to the proposal of the noble Lord, for increasing the military force of the country; and he confessed, that he should have felt bound to do so, if the noble Lord had proposed a larger increase, on account of his firm conviction, that looking both at the external and internal relations of the country, more especially our operations in the East, there was a likelihood of greater burthens being imposed upon our present military force than was consistent with the due execution of the functions and the safety of the country. He intended, also, notwithstanding the advanced period of the Session, to give his support to the measure which the noble Lord proposed for putting the civil force of the country in a more efficient position. He conceived that it was not a wise policy to recur too hastily to measures of coercion; but he did not think that the provision of an efficient civil force was a measure of coercion, all parties in the State being equally interested in the maintenance of peace and the preservation of their property. He regretted, however, that the noble Lord, looking at the state of the country, had not called the attention of the House to this subject at an earlier period. He also cordially concurred in the proposal for appointing a permanent civil force in the town of Birmingham, and he believed, if this force was appointed with the general concurrence and with the confidence of all parties, it would prove of great advantage not only to the town of Birmingham, but to the country in general; for the events passing in that town undoubtedly exercised a very strong influence over the surrounding country. There had been three methods proposed respecting this police for the town of Birmingham. His proposition was, that for a temporary duration the police of Birmingham should be placed upon the same footing as the police of Westminster, Lambeth, and Southwark, to the universal satisfaction, he believed, of their inhabitants; for amongst them a universal conviction prevailed, that the power of the police was not given for the purposes of tyranny, but merely, as far as was necessary, for the maintenance of peace and the preservation of property—two ingredients essential to every man's welfare. He now asked the noble Lord to apply the same principle to Birmingham as had been so successfully acted upon with respect to nine-tenths of this great metropolis. It might be said, in opposition to this proposal, that Lambeth, Westminster, and Southwark were not municipal corporations, and that therefore their case was different from that of Birmingham. But in Dublin there was a corporation, and yet in Dublin the same principle had been acted upon as in Westminster, Lambeth, and Southwark; and they had a police force there, which the hon. and learned Member for Dublin said had given universal satisfaction; adding, that he should deprecate any proposal to transfer the control over that force to any new municipal body. The hon. and learned Member said, that he had greater confidence in a number of officers appointed by the Crown, and responsible to the House, than in any local authority whatever. It had been proposed to place the police of the City of London upon the same footing, and nothing but the violent, and as was considered the universal opposition, of the corporation of that city, had induced her Majesty's Government to desist from that intention; and the power was therefore left to that corporation, unfortunately, as he thought, of appointing officers, and the power of removing them. Now, he asked the noble Lord to extend to Birmingham the principle of the Crown appointing a Police Commissioner. If, indeed, there had been a corporation of ancient foundation in the town, having the power to impose a rate, the case might have been different. But here they were asked to advance 10,000*l.* for this very purpose; it was a special case, and for that very reason he thought they were fully justified in imposing any conditions to the grant, which they believed to be essential to the good government of the town. The hon. Member for Birmingham said the other night, that there was no necessity for this grant, because the local police had generally given satisfaction in the performance of their duties, and moreover that the Street Commissioners had the power of appointing police, and that they were now proceeding to make such appointments, and to levy a rate for that purpose. Now he did not think it would be advantageous that this body should have the appointment of the police; he thought it highly desirable that no local body should have these appointments. He objected to the interference of local authorities in these matters for the present; he thought that for a time they had much better rest with the noble Lord. He did not think that the appointment of these officers by the town council would give general satisfaction in the town itself. To the establishment of the town council itself there had been great objections raised, a great number of the rate-payers having petitioned the Government not to grant a charter. He believed that the number of inhabitants who opposed this step was nearly equal in number, and paid an amount of rating at least as great as those who were in favour of it. Great excitement and dissension consequently now existed on the subject, which would be diminished in course of time. Then, again, he thought it was evident that the Birmingham charter had been conceded with great haste, and without sufficiently mature consideration as to the consequence and effect of such appointments. For instance, it appeared doubtful whether the town council would have the power of levying a rate. There was so much doubt upon this point that it was thought necessary to insert a clause in the present bill distinctly conferring it. But if that was the case with respect to Birmingham, how was it with respect to Manchester and Bolton? What would become of them? But, again, did this very power conferred, by this bill go further than to give the power to raise a rate to repay by instalments the present advance? Did not this very clause imply that they had not the power to raise a rate for any other than this specific purpose? What was the case of the overseers, who were doubtful whether they were warranted in obeying a precept of the town council, for levying a rate, and who submitted their case to the opinion of certain high legal authorities of which Sir William Follett was one? The opinion of Sir William Follett he would beg to read to the House:—

"The question now raised on this charter is one of very great doubt and difficulty; the existing corporation and town-council of Birmingham have been formed in a manner altogether different from that provided by the statute 5 and 6 of William 4th. c. 76. in respect of the ancient corporate towns, and although the Crown, in virtue of its common law prerogative, might grant the charter in question, and might thereby incorporate the town of Birmingham, and create the mayor, town-councillors, &c., who might legally perform all the ordinary functions of a corporate body, it certainly does not necessarily follow that the crown could vest in the corporation, or any portion of it, powers beyond the reach of the prerogative of common law, and which could only be legally conferred by the act of the Legislature. The mode of creating and originally forming the new corporation contemplated by the 141st section of the statute 5th and 6th William 4th., and the 49th section of Statute 1st Victoria, cap. 78, and of dividing the towns to be incorporated into wards, has been altogether unprovided for by these statutes. This omission was no doubt an unintentional one on the part of the framers of these acts, and has left, therefore, in very great doubt the degree of power vested in the new corporate bodies; for it may very fairly be contended, that, although the Legislature were willing to give those extraordinary powers of rating, &c., to councillors elected under the provisions and subject to the guards and restrictions provided by statute, they did not intend to vest such powers in a body constituted under a different authority, and elected in a manner different from that provided by the act, and that, therefore, the omission in the statute respecting the original formation of the new corporations, and more especially that most important, because permanent, provision regarding the divison of the borough into wards, could not be sufficient for this purpose by the prerogative of the Crown; and as the Crown could not extend to the inhabitants of this borough all the powers and provisions of the statute, it could not extend in part only and give to the new town-council, elected and formed as this is, the power of taxing the inhabitants of the borough. I think, therefore, in the state of doubt and uncertainty in which the power of the town-council has been left by the Legislature in this respect, it would not be prudent for the overseer to obey this precept, without the direction and sanction of the Court of Queen's Bench, it is very well known that those doubts do exist, and I should think the better course for both parties would be to arrange to have the point raised and settled by an application on the part of the town-council for a mandamus to the overseers. Assuming the rate to be valid, and the present town-council of Birmingham to have the power granted by the 92d section of statute 5 and 6 William 4th., c. 76, and the statute of 1st Victoria, c. 81, the overseers might be distrained upon, if they refused to obey the order of the council; but if that course were adopted by the council, the overseers might raise the question of the legality of the rate and of the distress by relieving the distress, or bringing an action of trespass against the magistrates who should sign the warrant."

He thought this opinion of Sir Wm. Follet was sufficient to show the necessity of not granting these powers until the whole question had been more maturely considered. He wished to add nothing to the difficulties of the magistrates in the maintenance of peace in Birmingham; but at the same time he could not help thinking that the state of the town, and the party animosities which existed there, were sufficient to recommend the course which he was now proposing to the noble Lord. He believed that the town council consisted exclusively of persons of one shade of politics—that there was not one person of Conservative principles amongst them. He could not think that that arrangement could prove satisfactory to the inhabitants, which excluded altogether from any influence in the preservation of the peace of the town, every one who held a certain line of politics. It might be said, that the town council would not abuse their powers. All that he could say was, that the town council had shown a very strong partiality for those with whom they had politically co-operated, and that those who had taken an active part in the Political Union, had been appointed to office. He did not ask the Government to take part in local disputes of this kind; but that means should be taken to afford the inhabitants of every shade of opinion a feeling of confidence in those who were appointed to protect their lives and property. He put it to them, whether the inhabitants of the town who differed from the town council in politics, could feel confidence in the exercise of local authority, by a body which thought it consistent with its duty to make a delegate to the national convention, a registrar of the Mayor's Court? Though he wished to avoid all references to the public conduct of individuals on a subject of this nature, yet he must ask the Government whether, if they found a person delivering language of the description which he should prove, they would consider him a proper recipient of local authority? Hon. Members must bear with him while he read the whole passage to which he referred, lest he should be charged with making partial extracts:—

"They were aware that there was no man who had more strongly urged the right of the people to resort to physical force than he had. For twenty years he had been telling the people, that if they could not get rid of their grievances by one means, they must by another. At a late town's meeting, in the Town-hall, over which Sir Eardley Wilmot presided, he (Mr. Edmonds) had stated it as his opinion, that men in power would not be moved by any sense of justice, to do what was right for the people, unless they were afraid of something else. In fact, he stated that physical force was nothing less than what was represented by moral force. They would, therefore, see he had gone as far as any man in maintaining their right to resent their wrongs. But suppose he was to say to them, their wrongs were so great that they could not, and ought not, any longer to endure them, and that they ought to strike that night [cries of 'no, no, that won't do!']. Suppose he was to tell them that they must proceed forthwith that night to arm themselves [cries of 'no, no!']. Why they might as well that night as any other ['no, no']. They were as well prepared as that night month ['no, no!']. If it would not be wise that night, why would it be wise next week? ['no, no!']. He would say to them, be men of sense, and let them not be hurried into mischief. If he proposed to them to arm that night—— [cries of 'no, no, it won't do!] Well, was there a man there, a man who would come forward and tell them when they ought to arm, and resort to physical force? [A person in the meeting; 'No, but we ought to be prepared.'] Well, but if he wanted to resort to physical force, would it be good generalship to tell his enemies the time and the manner? Would it be wise of him to tell them—'Now, if you will only come on a certain day, to a certain meeting, we will be prepared to take your arms from you, and use them against you?' He remembered Mr. O'Connor, in that room, saying, that the man who proposed physical force was a traitor. If a man said, that if on a certain day they did not obtain what they demanded, they must fight the next day, that man was a traitor. He would say, the man who would lead innocent men into danger was a traitor [*disapprobation*]. He had stood before them twenty years; he had suffered in their cause, and he had a right to advise them [*Hear!*] He would say, if any countenance were given by that union to the plan of fixing a day for the attainment of their rights, he would instantly resign his seat in the council, and if the union approved of such a plan, he would not have anything more to do with them again. They had carried the Reform Bill by peace, law, and order, and they——"

He did not wonder at the astonishment manifested by the hon. Member for Birmingham at such violent language, but what would the hon. Member say, when he told him, that the person who delivered that address, was appointed clerk of the peace by the town council? What must the people who had been the deluded instruments of agitators think, when they saw the man that told them that "moral force was of no effect, and that he was the advocate of physical force," named by the town council of Birmingham as clerk of the peace? Was that calculated to give satisfaction? Was it wise and likely to conduce to public tranquillity? He must ask the noble Lord, whether, since this individual was appointed clerk of the peace, he had been engaged in defending the Chartists? He was told, that on July 15th, the day on which the riot broke out at Birmingham, in the Bull-ring, on which property to the amount of 30,000*l.* or 40,000*l.* was exposed to destruction, and on which the peace of the town was so seriously endangered—he was positively assured that Mr. Edmonds, the clerk of the peace, from his official seat, appeared as agent for the Chartist prisoners? Now, was that calculated to remove from the minds of the people the delusion under which they laboured, that they were encouraged in these proceedings by persons of higher ranks in society than themselves? It could not be denied, that the intimate connection betueen the Political Union and the Chartists induced this opinion. He did not mean to say that the Political Union partook in the designs of the Chartists—he did not mean to say that they did not repudiate them; but their original connection naturally led the Chartists to suppose that the Unionists entertained friendly feelings towards them. And if the town council appointed one person who held such language to be clerk of the peace, and another who was a delegate to the Convention, to be a registrar—he asked what assurance those who differed from them had, that the town council would not adhere to their own partisans, and appoint them to the high and subordinate offices of the police force? How could they believe that the parties, kept in a state of alarm every eight or ten years by periodical agitation, would feel perfectly satisfied and contented, when they saw powers of a local body charged with the preservation of public peace so exercised? Those who formed the Political Union must take on themselves the responsibility of having established the institution of the Chartists. They might now say that they differed from these bodies as to the right of arming; they might repudiate any present connection with them; but those who encouraged the institution of such societies, those who lent them the sanction of their name and authority, were morally, if not legally, responsible for the acts which they committed when those bodies outstripped the dictates of the authority which called forth, and when a storm burst out which it was beyond the power of those who raised it to direct. The hon. Member for Birmingham, in an address to the Political Unionists, thus spoke of the Chartists:—

> "My friends, I repeat to you, if we are not strong enough to succeed by moral means, we are not strong enough to succeed by physical means. The latter will require a hundred times more labour, a hundred times more sacrifice, and a thousand times more expense and endurance than the former. Our interest, therefore, and our duty both combine. We must hold fast to the law. We must gather up the masses of the people. We must unite them all as one man. We must teach them to act under leaders, and at the proper hour we must precipitate the weight of their moral influence in one grand, legal, united, and overwhelming mass upon the Government. It is with this object, that we have recommended the assembling of the forty-nine delegates of the industrious classes in London. These honest representatives of the people will assemble under the sanction of the law. They are chosen under the principle of universal suffrage. They must be instantly cashiered if they neglect their duty. But they must be obeyed in all things under the law, so long as they discharge their duty. It is in this way only that we can obtain unity. Through unity we shall obtain liberty. Through liberty we shall obtain prosperity. Nothing can resist the force of public opinion, when they ought to act universally, unitedly, and centrically upon the Government. Here, then, is our rock of strength. We must support and obey the forty-nine delegates in every just and legal measure which they recommend. We must shrink from no labour; and, without crime, without expense, without blood, without injury to trade, we shall gain quickly more for the people than a hundred battles, and a 100,000,000*l.* sterling, and twenty years of civil war could obtain for them."

He apprehended the forty-nine delegates disappointed the expectations of the hon. Gentleman. As might naturally be expected, they had exceeded the powers which the hon. Gentleman proposed to entrust them with, and when the hon. Gentleman said they must adhere to law, order, and tranquillity, but that a national convention should be appointed which should be obeyed in any legal order, the hon. Gentleman might repent of the advice which had been given; he might consider the course taken by that body tantamount to their own dismemberment, and the annihilation of their political strength, but he never would believe that the hon. Gentleman could divest himself of the measure of responsibility which properly belonged to his inculcation of the views on which the Chartist body was originally constituted. The hon. Gentleman might disclaim any identity between the present objects of the Unionists and the Chartists, but he must admit, that it was a fact calculated to shake the confidence of those who differed from both, to have a public force controlled and directed by a body comprising both Unionists and Chartists. He had discharged his duty in delivering those sentiments, not for the purpose of obstructing the Government in their efforts to restore order and maintain the public peace, but because he was perfectly convinced that he had recommended a measure more calculated to provide for the public peace, and to give satisfaction to Birmingham, the metropolis of a large district, than devolving such powers on a town council which could not relief itself from the imputation of having appointed to public offices a delegate to the Convention, and an advocate of physical force. He agreed with the noble Lord, that they should not show any eager distrust of the people. He had never pressed the adoption of hasty measures of police. He thought it wise to trust with confidence to the common law or salutary customs of the country. He could never believe that the loyalty, property, and respectability of the nation, particularly when encouraged by the Government, would not, if necessary, instantly assemble and frown down any efforts of the Chartists to produce an open public rupture. Though they might succeed in interrupting the public peace—though they might endanger the property and lives of individuals, he never could believe that this country was so debased as quietly to permit the violence of men who recommended physical force to prevail, and tacitly acquiesce in the subversion of all law and authority. He was perfectly willing to coincide with the forbearance of the Government, carried to its legitimate extent, but he implored th m not by any act of theirs to sanction those combinations which now existed, or to pass a measure which must be committed to delegates to the convention for its enforcement. He thought the noble Lord's confidence in the loyalty of the people of England just, but the moment he lent an indirect sanction to those doctrines of physical force, by not taking proper precautions to prevent their being carried into operation, he became a party to the delusions practised on the people, he would forfeit the confidence of England, and disappoint the natural expectations of the inhabitants of this district in particular, should they find that the Government abstained from interposing with authority—not from any disinclination to set aside the established laws of the country, but because they had not the manliness to say, "We feel bound to interfere for the maintenance of public tranquillity, with the corporation privileges of Birmingham. When we find that the local authority has abused the trust reposed in it, no consideration of political partisanship shall induce us, on a question which intimately concerns the public peace, to invest it with the necessary power for the constitution of a police force."

Mr. *Scholefield* wished to say a few words in defence of the body on whom the right hon. Gentleman had vented so much of his displeasure. It was perfectly true that the Town Council of Birmingham belonged to the party which was diametrically opposed to Toryism. Indeed they might be called Radicals; but being chosen by the ratepayers in a fair fight, their political opinions could not be charged on the electors or the elected as constituting a very henious offence. These men might be liberals, they might be radicals, they might not have as much money as other men belonging to that town; but he felt satisfied there were in that Council as honest men as were to be found in Birmingham—aye, as honest as any that sat in that House. He could bear testimony to the upright and conscientious discharge of their duty. He differed from the right hon. Gentleman in his supposition that the Charter of incorporation was not demanded by a majority in point of wealth and numbers. The moment, however, the council proceeded to levy a rate they found their power disputed. It was not, in his opinion, wise to leave a doubt upon such a question. He maintained that the Council had a perfect right to claim a control over all local concerns; and he for one would sooner quit Birmingham for ever than relinquish his title to such a privilege as that of providing for the public peace of his native town. The right hon. Baronet had quoted a speech of Mr. Edmonds. That Gentleman was obnoxious to the Tories, for he had always taken a most active part against them. He might have taken a lead in the present agitation, and gone further in the expressions which he used than was warrantable, but his appointment was unanimously agreed to by the Town Council. It was not perfectly consistent with good taste, perhaps, that Mr. Edmonds should act as agent for the Chartists, but he did not find the Attorney-general censured for defending men who ought to be hanged. He had heard the Attorney-general defend a man for piracy, who escaped through his able advocacy, and he was not aware that Mr. Edmonds acted in any way unbecoming a professional man. There was very little doubt that an union now existed between the Chartists and the Tories, in opposition to the present corporation; and the tools of Tory malice were, he dared to say, well remunerated for their services.

Mr. *T. Attwood* thanked the right. hon.

Baronet for the quotation he was pleased to make from his speech. He should be glad if the right hon. Baronet had extended his quotation, for he had never written anything of which he was ashamed. Had his humble labours been properly brought before the public mind, instead of there being a contest going on between masters and men, between the middle and the lower classes, and instead of finding physical force arrayed in opposition to the profit-mongers who had so long sucked the blood of the labouring classes, the people would have been placed in such a commanding position, that the Convention (which he admitted to have originated) would by lifting a finger have directed them in one peaceful, legal, and overwhelming onset. If they looked to the towns, nine out of every ten were Chartists. If they looked to the villages, nine out of every ten were rick-burners. He asserted with confidence that the labourers of England were alienated from that House, and that nine out of every ten who heard of a fire felt a melancholy pleasure at the intelligence. They had better apply themselves in securing the peace and contentment of the people. Let the right hon. Gentleman go his own way to work if he pleased, but do not let him suppose, that the people cried out for relief without cause. He had always deprecated violence—had never recommended it to the people even as a last resort. During the time that the Reform Bill was under discussion, when he thought, that the King, the Ministers, and the great majority of the House of Commons were bearded by the Lords, he had certainly used much stronger language than at any other period of his life; but even then he only recommended the middle and lower classes to hang together for the purpose of securing to themselves a proper representation in the House of Commons. His wish had always been to prevent anarchy, and he had done his duty to the best of his power, by endeavouring to unite the middle and lower classes of the community for just and righteous purposes, to be obtained only by just and righteous means. He hoped he should live to see the people recover the full tale—the full measure of their rights—rights purchased by the blood of their ancestors—rights which the people dearly cherished—but which of late years had been violently twisted out of their hands. The magistrates of Birmingham, at least the greater portion of them, were undoubtedly attached to the Liberal party; but they were all of them highly respectable in character and station in life. The right hon. Baronet (Sir R. Peel) had complained of the manner in which the corporation of Birmingham had been nominated. It was very remarkable, that the first political act of the corporation so nominated had been to petition the Queen to call such Ministers to her Councils as should give a thorough reform to the House of Commons. They did not in direct terms ask for the dismissal of the present Government, but they implied as much. This was done before the recent fires at Birmingham. The petition was agreed to by the mayor, aldermen, and other members of the corporation. There was not one dissentient voice—not one voice raised in support of the present Ministry. He thought, that the mention of this fact was sufficient to vindicate the noble Lord (Lord John Russell) from the charge advanced against him by the right hon. Baronet (Sir R. Peel) of having constituted a party or partizan corporation in the town of Birmingham. With regard to the town-clerk, Mr. Edmonds, a more worthy, upright man never lived. He had certainly been what was called an agitator; but he was not an unjust man, and had never attempted violence. He suspected, that bad men had been at work at Birmingham, and, indeed, throughout the country generally—men not sincerely attached to the cause of the people, but mischievously and wickedly urging them on to acts of violence, in order to injure and destroy the cause which they falsely professed to serve. When he saw the successful working of the plot which had been laid to make the people the instruments of their own destruction, he sometimes thought that Nicholas of Russia must be at the bottom of it. It must either be Nicholas of Russia, or else some of the partizans of the right hon. Baronet. With regard to the bill now before the House, all he could say was that, if the mayor and corporation wanted 10,000*l.*, and applied to Government for it, he could see no objection to the loan of it; but he deprecated the police force, whatever it might be, being placed under the control of the Home Secretary or of the Government; for that, he was confident, would not be borne. It was to the presence of the London police that he attributed much of the violence shown by the people at the late disturbances in Birmingham. He trusted, therefore, that the House would not sanction the formation of a body of police which should have any analogy to the London police, or which should be placed under the control of the Secretary of State for the Home Department. He was satisfied that no police force would be allowed to exist in Birmingham which was not entirely dependent upon the mayor and corporation.

Lord *John Russell* could wish, that the hon. Gentleman who had just sat down, and who represented the town of Birmingham, would a little pause from carrying his fears of danger to such a distance as he was wont to do, and that, instead of being alarmed at Prince Polignac's overturning our laws, and the Emperor of Russia interfering with our domestic politics, he would rather direct his anxiety and care to the condition of those fellow-townsmen of his, and some who, a very little while ago, had their property deliberately destroyed by a riotous mob. He certainly thought, that the hon. Gentleman, as well in the letter which he addressed to the people of Birmingham a short time after the riot, as in the speech which he had that evening delivered to the House, had shown a want of that which he should have expected in him—a strong and decided sense of disapprobation of the acts which had been committed; for in his letter the hon. Member made hardly any mention of the violent and riotous character of the proceedings which had disgraced the town; and, in his speech that evening, he had only spoken of them with reprobation, because he considered that they tended to injure the cause of political reform, and of those other measures of which he was the advocate He trusted, however, that the House was unanimously of opinion, that evils such as these—the shopkeepers and inhabitants of Birmingham having their property destroyed, and their houses committed to the flames—he trusted the House would be of opinion, that evils such as these were deserving of most serious consideration; and that they should direct all their efforts, without respect to any minor motives, to provide the means by which similar evils might in future be arrested. In addressing himself to what had fallen from the right hon. Baronet, with respect to the present state of Birmingham, and the necessity for this bill, he wished, before he stated the conclusion to which he had arrived in considering the proposal made by the right hon. Baronet the other evening, to point out what he conceived to be a material difference with regard to the town of Birmingham, and the still larger and more important town of Manchester, as compared with almost any other town in the kingdom. The right hon. Baronet said, that there certainly appeared to have been some haste and precipitancy in granting a charter to Birmingham. Upon that subject he need only refer, in the first instance, to that clause of the Municipal Corporation Act which explained the circumstances and prescribed the conditions under which a charter of incorporation should be granted. [The noble Lord here read the clause at length.] Attending to the words of the clause, and having before the Privy Council the petition of many inhabitants of Birmingham, and many inhabitants of Manchester, it did not appear to the Government, that there was any other than one course which could be taken to ascertain, in the first place, whether it was the actual wish of the great body of the people of Birmingham; and, if it should appear to be so, to direct a charter to be framed. It was obviously the intention of Parliament, that if the inhabitants of any of these great towns expressed a wish to be incorporated, the expediency of conferring a charter should be assumed. Manchester and Birmingham had grown up with very insufficient institutions — were governed only by some local Acts, procured from time to time, and having, perhaps, no great reference to each other. They had no institutions suitable to their importance, to their population, and for the preservation of peace, order, and good government. He could not now enter into the question of the number of the inhabitants who had signed the petition praying for the incorporation of the town of Birmingham, neither could he state what was the amount of their assessment to the rates; but, after a very careful investigation—after sending more than once to Birmingham to ascertain whether the signatures to the petition were real, and whether the parties who signed it were rated inhabitants of the borough—it appeared to the Government that a sufficient case had been made out to show that it was the wish of the people of Birmingham to have a charter of incorporation. The right hon. Baronet had read an opinion given by Sir William Follett upon a case transmitted to him, and the right hon. Baronet inferred from that opinion, that there was some precipitancy in the way in which the charter was granted: but Sir William Follett did not express any very decided opinion, either one way or the other, as to the legality of the charter, still less did he say that it was ill constructed and ill suited to the purposes for which it was intended. Sir William Follett only doubted whether the Act of Parliament contained such detailed and minute provisions that a charter granted under its provisions, and conforming as nearly as possible to the conditions mentioned in the clause he had read, would carry with it that power of rating which it was obviously intended should be conveyed by a charter granted under the act. Upon that question, he wished not to give any opinion. But he must say, that he thought the opinion of Sir William Follet absolved the Lords of the council and all persons concerned in drawing the charter from the charge of haste in the advice which they gave. But the practical question upon this occasion was of a very different nature from the manner of granting the charter. Here doubts had been raised—they had been sanctioned by persons of legal authority, and the opinion of a person of the highest legal authority—namely, Sir William Follett—went to show that these doubts involved matters which could not properly be decided without a reference to the Court of Queen's Bench. Now, as a practical question, these opinions and these doubts bore most significantly upon the peace of the town. In times of perfect quiet—of little party violence, when no tumultuous meetings were held—this question, like any other legal question, might occupy for years the subtlety and ingenuity of the different counsel who might argue it, and the deep and attentive consideration of the judge who might finally decide it, without affecting the peace or tranquillity of the country. But at the present moment these doubts were of great importance. What had taken place at Manchester? There they had proceeded according to one of the courses recommended by Sir William Follett. The council applied for a distraint upon the goods of the churchwarden and overseer; this was met by a *replevin*, and it was proposed to carry the case (which, as he understood, could not be done in less than six or seven months) before the judges of assize. It was stated to him, in a letter from the Mayor of Birmingham, that at every meeting of the magistrates the opinion was gaining ground that there was no prospect of permanent peace in the town, until they were provided with an adequate police force; but he added that whilst the doubt remained as to the power which existed in the corporation to impose rates under the charter, it would be impossible for them to obtain the requisite funds. Now the right hon. Baronet contended, that the Birmingham town council, being constituted under a charter, the extent and power of which was not clearly defined, a police force raised by that body would be regarded as a force brought into existence by a party whose power was disputed, and consequently would not be a force calculated to preserve the peace of the town and the adjacent country. Since the right hon. Baronet first stated that objection, he (Lord John Russell) had seen various parties connected with the town of Birmingham, and hearing from them their different opinions, he was obliged to come unwillingly to the conviction that there did not exist even at the present time—when it might be hoped that all parties would co-operate with each other to preserve the peace of the town—any prospect or probability of the continuance of harmony and good feeling if any police force that might be raised should be placed under the direction of any known local body. One party in the town wished the power to be vested in the hands of the town council—another wished it to be placed in the street commissioners: neither party had the slightest confidence nor reliance in the decision, the orders, or the regulations of the other. During the time that the charter was in dispute, there must be a difference of opinion as to the manner in which a police force should be framed and governed. In this respect Birmingham and Manchester were in a totally different position from other towns which had ancient corporations. For instance, the other day at Newcastle there occurred in the middle of the night a riot, in which some 500 or 600 persons committed many acts of great violence. It did so happen that the mayor of that town had taken a more extreme part in politics than the gentleman who was now the mayor of Birmingham; but the corporation of Newcastle had been long established, its powers were undisputable, and therefore the police there, acting under the council of the town, were able to put down the disturbances, and to maintain the peace. But with respect to Birmingham the case was very different. The right hon. Baronet stated another ground, in which he could not express his general concurrence. The right hon.

Baronet seemed to think that this town-council, being of extreme politics, and some of its members having expressed extreme opinions were for that very reason unfit to control the police, and to manage the local affairs of the town. Now he must say, as far as he had seen with respect to these magistrates, and more especially with regard to the mayor, that he had never seen persons more anxious, more zealous for the public benefit, or more desirous of faithfully and conscientiously performing the duties which attached to them in their new office. And with regard to one of them, whose opinions were more notorious than those of his fellows, he found, that there was no difference of opinion in the town as to the ability and energy with which he had discharged his duties—not shrinking in the least degree from a manly and strightforward performance of them on account of any obloquy that might attach to him in consequence of previously expressed opinions. With respect to Mr. Edmonds, the clerk of the peace, it certainly appeared, that he had on one occasion acted as the agent of certain parties who were accused of having taken part in the disturbances. He owned he was very much astonished when he saw a statement to that effect in the newspapers. He could not believe it to be true; but, when he ascertained, that it really was true, he immediately wrote to the magistrates and stated, that he thought such conduct ought to be reproved. The reply he received was not quite satisfactory. The magistrates did not defend the conduct of Mr. Edmonds, but remarked, that the parties whom he appeared to defend were not tried at Birmingham, but elsewhere. He thought the explanation was unsatisfactory. It must have the effect of weakening the authority of the court, and of giving encouragement to those parties who were promoting disturbances and the most mischievous projects, if the person who was seen sitting in the court as the clerk of the peace was found acting as the agent of those who were accused of similar offences. He had stated his opinion already to the magistrates of Birmingham, and therefore on that point he agreed with what had been said by the right hon. Gentleman. However, upon the whole, he did not think there was any ground for not entrusting the town council of Birmingham with this power, on account, generally, of their political opinions, or of any general delinquency in the manner in which they had performed their duties. With regard to the other ground stated by the right hon. Gentleman, that the town council were not likely in the present disputed state of the charter, to obtain the general confidence of the different parties of the town, and that they were not likely to form the police force which should be recommended altogether impartially, he owned that the result on his mind was, that it was better that the plan suggested by the right hon. Gentleman should be substituted for that which he had himself proposed. He had come to the opinion, that at Birmingham, if required, and at Manchester also, if desired by the people of Manchester, it would be desirable to provide—but for a period only—say for a period not exceeding two years, when this question it might be hoped would be able to be decided calmly and impartially—that the police force which should be formed should be placed not under the immediate direction of the Home-office, but under the direction of some competent person residing in the town or neighbourhood of Birmingham, and who should have the sole power of conducting that force independently of the disputed authority of the corporation. At the same time he felt, that the propriety of this proposition was very liable to be questioned. He was aware, that many people in Birmingham might consider that a council having been elected by the rate-payers under the charter, in those persons ought to be placed the power of nominating, choosing, and directing the police of that town. He felt it might be difficult to obtain for a police force otherwise appointed that degree of confidence which many would be well disposed to place in a local police. But upon balancing all the difficulties on the one side and on the other, he thought, if it were agreed to by the House, that a police force should be formed at Birmingham, that that force should be under the direction of some commissioner named for the purpose, who should have the direction of the force for a period of two years. He thought upon the whole, that the peace of the town of Birmingham would be more likely to be preserved by the adoption of such a plan, than by adopting the course which he had himself first proposed. In concurring with the right hon. Gentleman, he did not wish the House to come to any decision upon it to night. He was, therefore, ready to postpone the further consideration of the bill, with a view to modify its provisions in such a manner as to carry the plan he had stated into effect.

Mr. *Hume* had heard with great regret the latter part of the noble Lord's speech, who was about to take a step which was little likely to produce the effect desired. The right hon. Baronet had made it a matter of complaint against the town-council of Birmingham, that they had observed a system of partiality in the appointment of their officers. Would the right hon. Baronet name a single corporation existing before the Municipal Corporation Bill was passed, and in which the majority of the corporation were Tories, that ever elected a Liberal to fill any office connected with it? He, however, rejoiced that the right hon. Baronet was at length convinced of the impropriety of that system, and he hoped that in future the right hon. Gentleman would discountenance all partial and one-sided elections. Great stress had been laid by the right hon. Baronet on certain expressions said to have been used by certain persons connected with the corporation of Birmingham, and which he conceived totally disqualified them from holding any official situation under it. This had not always been the opinion of the right hon. Baronet. He (Mr. Hume) recollected at more meetings than one which took place in Ireland, that language much more violent than was ever used by Mr. Edmonds had been uttered by persons connected with the party to which the right hon. Baronet himself belonged; and yet the right hon. Baronet never objected to those persons continuing to act as magistrates; nor did he scruple at a subsequent period to their being made privy councillors. [Sir *Robert Peel:* Who were they?] One of them was the hon. Member for Sligo (Colonel Perceval). The right hon. Gentleman had recommended that an individual should have the management of the police in Birmingham who should be wholly independent of the corporation. [Sir *Robert Peel:* in every other corporation.] Did the right hon. Gentleman mean in every other corporation—in Dublin for instance? True, there the corporation had no control over the police. But did not the right hon. Baronet know that they had the appointment of the sheriffs and of the juries? Did he think it a power of less importance to strike the juries than to conduct the police? Did the right hon. Baronet mean to say that for the future the police should not be under the management of any corporation, provided any party in such corporation were opposed to it; or did he mean to take away the management of the police from every corporation of the country? He would ten times rather see the charter of the corporation of Birmingham withdrawn altogether than see the men who were appointed town-councillors by the unanimous voice of their fellow citizens degraded in the manner in which they appeared likely to be; and he would tell the noble Lord that if he listened to the recommendation of the right hon. Baronet, so far from producing peace and concord, it would produce results the very reverse. Let but this violation of the rights of an independent corporation—let but this attack upon the principle of self-government be once commenced with respect to the town of Birmingham, and it would become a precedent and an example which he was quite satisfied would be attended with very disastrous consequences. If the noble Lord wished to see a constabulary force introduced into this country—and he (Mr. Hume) was in favour of a constabulary force—he would entreat the noble Lord not to give the Secretary of State any power to interfere with that force, but leave it to the control of the borough and county magistrates. If he did, there was no doubt that the constabulary force of the country would be properly directed.

Mr. *T. L. Hodges* rose for the purpose of noticing one or two observations which had fallen from the hon. Member for Birmingham (Mr. Attwood), and which he thought the House must feel ought not to pass uncontradicted. The hon. Member had stated that an immense majority of the working classes in towns were Chartists, and that nine-tenths of the rural population were rick-burners. Having long lived in a country where some acts of that description had unhappily taken place, he felt it peculiarly incumbent on him to give the assertion of the hon. Member a positive contradiction. Would the hon. Member seriously say, that there was one in ten of the rural population guilty of the crime he had spoken of? Would he say that rick-burning had occurred in one parish out of ten, or out of twenty, or out of thirty? Such an assertion could not for a moment be maintained. Whenever a fire did occur, instead of that apathy which the hon. Member had described as marking the conduct of the labouring classes, being evinced by the people, or instead of their rejoicing over an occurrence of so disgraceful a nature, it was with the utmost promptitude and good will that they came forward to extinguish it. There might be a few exceptions, but this was the general rule. The hon. Member sometimes exhibited an inconsistency in his language which was rather remarkable. There was hardly ever a person who challenged to himself more credit for feelings of benevolence and love towards the labouring classes than the hon. Member for Birmingham; but how could he reconcile such professions with what he had stated to-night respecting those labourers? Were men, merely because they were poor and employed in agricultural labour—were they because at some former time a few bad men had disgraced the country by incendiary acts—were they all to be charged as capable of such wicked, such diabolical conduct? Was it consistent with charity and Christian benevolence to charge the whole rural population of being capable of such crimes.

Mr. *O'Connell* thought, that the doubt which was thrown upon the charter granted to Birmingham was not as to the validity of the charter itself, but as to the power of raising rates; that was to say, as to the power of taxation. The object, however, for which he principally rose was, to notice the objection which had been made with respect to the conduct of Mr. Edmonds. That Gentleman was his personal friend. He was a most respectable and honourable man, and also a thoroughly honest reformer. He had been charged by the right hon. Baronet, and censured by the noble Lord, for having engaged in defence of a Chartist. What was the situation in which that Gentleman was placed? He was, to be sure, the clerk of the peace for Birmingham, but he was also a practising attorney. If the House thought it right to make it unlawful for a clerk of the peace to practice as an attorney, then, should Mr. Edmonds continue to do so, he would be liable to punishment. But all that the law now said was, that he should not be at liberty to to practice at the Sessions in Birmingham; it did not deprive him of the right to practice away from those Sessions; and the charge against the parties for whom he had acted was triable at the assizes at Warwick. Therefore it was perfectly plain, that Mr. Edmonds was justified in defending—nay, was bound to defend those parties. Did ever any man reproach Sir Charles Wetherell for defending Thistlewood, or Sergeant Copley for defending Watson? It had occurred to himself to be called upon to defend an Orangeman in Ireland, who was charged with murder, and the acquittal of the prisoner was attributed chiefly to his (Mr. O'Connell's) exertions. He therefore submitted to the House, that Mr. Edmonds was free from blame on account of that charge. He (Mr. O'Connell) was one of those who thought that the police had much better be placed under the authority of some person that did not belong to any party. He did not, however, like abandoning the intention of putting the police under the superintendence of the corporation of Birmingham—for this reason, that it appeared to be an unjust disparagement of that corporation. He was thoroughly convinced that the excellent body of men who composed that corporation, if they had the police force under their controul for a short time, would be themselves the first to ask the Government to take the management from them, and assume it themselves. He was rejoiced at this police plan. He was not one of those who had joined in the cry against them as being gend'armerie; but he knew that in Ireland, and in Dublin particularly, the system had worked well. In Dublin, all party feelings on the part of the police had ceased, since Major Miller had put an end to the plan of selecting political partisans to form that body. Take them for all in all, there could not be a better constabulary force than that which now existed in Ireland, and he had no doubt that a constabulary force would ultimately become popular in England. It would be found that they would protect life and property, and would not act as partizans. He was also glad that the Government were going to increase the army at the present moment. But while he wished to see the Government possess strength enough to put down the Chartists, he was not one of those who thought that the Chartists had been created so much by political unions, as by a refusal to do them justice. He believed that there was not a greater stimulant to Chartism, than the utter abhorrence evinced by the House of Lords of all salutary reform. Had not the House of Commons recently passed a miserable bill about the trifling matter of not depriving men of their votes, who, after the registration, should remove from one house to another, and was not that bill rejected in the House of Lords? When so unhappy an indisposition was evinced by the Lords to all salutary reform, what prospect had the working classes, who had no votes for electing Members of Parliament, of finding redress? Who took any care of their interests? They had no representatives. They had not any persons to sympathise with them; they had none in their confidence. No; you have deprived them of the franchise, and you suppose that they will be contented and satisfied under that system. They would not deserve to be Englishmen if they were satisfied. They are a slave class, and you a master class; and so long as this state of things existed, it was their right and duty to be dissatisfied. Many plans were held out to them for their relief, and they might for a while be led astray by some of them; but this he knew, that, they were looking to the legislature for relief; they were desirous of having the Parliament their friend; but of this they were now deprived, because they were denied the right of voting. Let the right hon. Baronet speak as much as he pleased of the Radical council of Birmingham. Who made them Radicals? Did not the right hon. Gentleman, and his party, refuse to give up Gatton and Old Sarum for Manchester and Birmingham? It was their injustice that created Radicalism; it was their injustice only that gave strength to Chartism at the present moment; and stronger still would the Chartists have been, if they had not misleaders among them. The right hon. Baronet had talked of the impropriety of having corporations composed of political partisans. Had he never seen partisan corporations before? Was Birmingham the first? How long was the right hon. Baronet himself a defender of those corporations? He knew, when a majority of that House passed the bill, to put an end to partisan corporations in Ireland, that the House of Lords would not receive it. It was a mockery that they did not throw it out on the second reading. There were only eight against it, because they had not the manliness to throw it out all at once; but a sneaking and pitiful manner was adopted to defeat it. The Chartists had become formidable; insurrections had taken place in the towns. If calumniated Ireland had two or three months ago given, or were at the present moment to give, the least favour or countenance to Chartism, by a Chartist movement in Ireland, would not that have been a somewhat dangerous encouragement? But they had not the guile of Ribbonism. The frightful calumnies uttered in that House, and in the other House of Parliament, against the people of Ireland had been demonstrated to be false, even by the evidence that had been produced against them. Ireland was tranquil—there were no Chartists in Ireland. The people of Ireland knew their advantage. If it was their design and purpose to foment disturbances in England, they would have encouraged Chartism. But the people of Ireland saw that there was nothing to be obtained but by a peaceable demeanour, and by submission to the law. Ireland had never for the last 500 years been so free from crime as at the present moment. The judges on the circuits bore testimony to this. In the county of Kilkenny only a single felony was to be tried at the last assizes. In other counties the offences were almost as insignificant. That was the situation of Ireland, and yet the claims of her people were treated with contempt by the House of Lords, and with scarcely more favour by those whom he was then addressing. The way to put down Chartism in England was to vindicate the law, but at the same time to attend to the real and just complaints of the working classes. The working people of England were suffering severe distress, increased by the weight of taxation, while they were excluded from any share in the representation of the country. Support the law—he was for doing that—but he protested against that injustice and cruelty which excluded them from the franchise and left them in a state of inferiority to their fellowmen. The honest working men of England were the strength and sinews of the country, the producers of the national wealth, and yet they were excluded from sharing in the franchise. Lamentable as the disturbances at Birmingham were, he could not admit that they exceeded the scenes which took place when towns were taken by storm. The scenes at Birmingham never equalled in atrocity the occurrences after the siege of Badajos and St. Sebastian; still they were afflicting and disgraceful, and those who had committed them deserved to be punished; but those who had excited others to commit such outrages deserved the severest punishment.

Mr. *Brotherton* said, the working people were suffering great privations, and he hoped nothing harsh would be done to them. The noble Lord had justly stated that Birmingham and Manchester had remained for a long time under institutions not suited to their increased population and wealth, nor to the changes in civilization and society. When the Municipal Corporation Act was passed, it was considered necessary that Manchester should receive a charter. The leading men, accordingly presented a petition praying that a charter might be granted; but certain persons interested in the abuses of the old system opposed the application, and every other attempt at improvement which in their opinion was likely to interfere with their pecuniary interests. None of the magistrates of that town were men of extreme opinions, and he challenged any one to deny that they had been chosen from the most respectable portion of the inhabitants, and having the greatest stake in the prosperity of the community. The aldermen and council of that town had applied to their political opponents to induce them to accept office along with them, being desirous to carry on the business of the corporation peaceably, and to the welfare of all the inhabitants. But acting under an infatuated principle the other party had refused. In Manchester they had stipendiary magistrates; in Birmingham there were none; and if the House would assimilate the two towns in that respect, and do away with all doubts as to the validity of their charters, he had no doubt that course would be attended with the best results.

Mr. *Wakley* hoped the noble Lord would not be induced to accede to the suggestion of the right hon. Baronet. The noble Lord last week had pressed the subject of this bill on the immediate consideration of the House—and from the earnestness of his manner he felt convinced that the noble Lord had perfectly made up his mind, and that he was quite prepared with his plan. But now, on hearing the objection of the right hon. Baronet opposite, the noble Lord proposed to withdraw the bill he had thus introduced and to bring in another. The noble Lord should recollect that he obtained an unanimous vote of that House for 10,000*l.*, on the condition that the money was to be distributed and managed by those having civic rule in Birmingham. Was it fair, he would ask, that the noble Lord should get the money under that condition, and that he should now alter the plan, and place the administration of that money under the charge of an agent solely appointed by the Government, and that the town-council should be relieved from all responsibility The right hon. Baronet had much to say in that House, and he led the other House; and the noble Lord takes suggestions, not from Members on the Ministerial side of the House, but from the right hon. Baronet who merely represented a minority—the Conservative portion of the inhabitants of Birmingham. The right hon. Gentleman really directed the Government without incurring any of the responsibility attending the adoption of his advice. He knew that the plan suggested by the right hon. Baronet would produce great dissatisfaction in the town of Birmingham — dissatisfaction to the corporations of that and the other towns throughout the country. He would ask if there was a single corporation in England that was not a political body? Why, then, make that objection to giving the town council of Birmingham the control of the police of the town? He objected to the appointment of a Government-commissioner in this case, because it would be laid hold of for an example, and hon. Gentlemen would point to it and say—see how well it works in Birmingham. If it be such a good system, why did the right hon. Baronet not introduce it in the year 1829 into the city of London? He was too cautious to attempt it; he knew he should bring a hornet's nest about his ears, and he would not persist in a plan which he knew would violate the opinions of the great body of the people. But now, at the suggestion of the right hon. Baronet, the noble Lord was prepared to abandon his original plan (which was a very excellent plan, and approved of generally by the House, with the exception of the hon. and learned Member for Dublin, who appeared to advocate something like the introduction of the Irish constabulary force;) and thus to apply a principle to Birmingham, which had not been adopted in London, because the public opinion was against it. He approved of the constitutional nature of the plan first introduced by the noble Lord, and hoped that, instead of withdrawing the bill, he would endeavour to amend it, so as to suit the views of hon. Gentlemen opposite, and not commence the introduction of a Government police into the internal districts of this country.

Mr. *Hawes* was not disposed to accede to the suggestions of the right hon. Baronet opposite on this question. He understood that the noble Lord merely intended the present plan to continue till the question as regarded the validity of the Charter was settled. The right hon. Baronet and the noble Lord had lately opposed him (Mr. Hawes) in his endeavours to extend the metropolitan system to the city of London, in consequence of the strong manifestation of public opinion against that extension. He was quite sure there would be a considerable manifestation of opinion in Birmingham against this plan of a Government commissioner, and he thought the plan of the London Bill might have been adopted with effect.

Lord *John Russell* wished to postpone going into Committee till Thursday next. In regard to the suggestion by the hon. Member for Lambeth, with reference to the principle of the London City Police Bill, he thought the situation of Birmingham and London was so different that it would not answer. The hon. Member for Finsbury, Mr. Wakley, seemed to think it was a sufficient objection to the proposed change in the plan, that it had been made by the right hon. Baronet, the Member for Tamworth. Perhaps the adoption of the suggestion might expose him to the imputation of acting on the advice of the right hon. Baronet; but if he thought the peace of Birmingham could be secured by following that advice, he would not for a moment hesitate from acting on it by any such considerations.

Committee postponed.

CONTINUANCE OF THE POOR-LAW COMMISSION.] On the question, that the Speaker do leave the Chair, for the House to go into Committee on the Poor-Law Commission Continuance Bill.

Mr. *T. Duncombe*, in rising to move, that it be an instruction to the Committee that they have power to introduce a clause to abolish the plurality and proxy voting in the election of guardians, said, he should not oppose at any length the question that the Speaker leave the Chair, because he felt so satisfied of the great dissatisfaction that the practice of plural and proxy voting had produced throughout the country, that he could not allow himself to anticipate that his motion would meet with serious opposition. It was a mere mockery of representation, professing to give the rate-payers the franchise, while, in reality, it disfranchised them. He would take a case that happened in the election of guardians of the Holborn Union, where the plural system had completely swamped the rate-payers. There were cases in that Union where eleven and twelve trustees were, each of them, allowed to vote, and thus they gave no less than sixty-six votes. There was the case, also, of Kensington and Chelsea, where one individual had given 700 proxies, thus completely swamping the rate-payers. Then there was no check. If the proxy were once given, it continued till revoked. In the case of the Bath Union, at the late election of guardians, there was one house-agent who boasted that he had 300 proxies. He did not wish to prevent the owner from having a vote, but he wished to place his right on a footing of equality with the rate-payer. Suppose the case where the owner grants a lease of twenty-one years, and who has nothing to do with the payment of the rates, yet that owner retains his six votes, and completely swamps his tenants, who pay the rates. A tenant paying 200*l.* of rent has only one vote, while an owner receiving 150*l.* of rent has six votes. He should like to see the system of voting for the election of the guardians placed under the system established under what was known as Sir John Hobhouse's Vestry Act. He knew no bill that had worked so well as that measure had worked. In that bill each rate-payer had a vote, and there was no plural or proxy voting. The mode of taking the votes, too, was by ballot. He would tell them that they might go on increasing the army; they might go on establishing a police and constabulary force throughout the country; but, until they consented to the principle which he had advocated, the rate-payers of England would not be satisfied, and never would be satisfied with such a base mockery of the right of franchise.

Lord *John Russell* would not detain the House on this subject. The principle which the motion of the hon. Member for Finsbury involved, might perhaps be properly discussed when the House came to consider the whole question of the New Poor-Law Amendment Act; but when it was remembered that plural and proxy voting had been sanctioned under three separate Acts of Parliament, and fully discussed last year on the debates upon the Irish Poor-Law Bill, he did not think the House would at present agree to reverse a system which had thus been deliberately sanctioned by the House on three separate occasions.

The House divided on the Amendment:—Ayes 35; Noes 112: Majority 77.

List of the AYES.

Aglionby, H. A.
Berkeley, hon. C.
Bridgeman, H.
Clay, W.
Collins, W.
Douglas, Sir C. E.
Easthope, J.
Euston, Earl of
Fielden, J.
Finch, F.
Grote, G.
Hall, Sir B.
Hawes, B.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Hume, J.
James, Sir W. C.
Johnson, General
Leader, J. T.
Lushington, C.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Connell, M J.
Pechell, Captain
Philips, M.
Scholefield, J.
Turner, W.
Vigors, N. A.
Wakley, T.
Wallace, R.
Williams, W.
Wood, Sir M.
Yates, J. A.

TELLERS.

Duncombe, T.
Ewart, W,

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Baring, F. T.
Barnard, E. G.
Barrington, Viscount
Berkeley, hon. H.
Bernal, R.
Blair, J.
Bowes, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bryan, G.
Burroughes, H. N.
Chapman, A.
Chetwynd, Major
Clements, Viscount
Clerk, Sir G.
Cochrane, Sir T. J.
Codrington, Admiral
Craig, W. G.
Dalmeny, Lord
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Donkin, Sir R. S.
Elliot, hon. J. E.
Ellis, W.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Lord C.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gordon, R.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Halford, H.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hastie, A.
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hoskins, K.
Houstoun, G.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Hutton, R.
Ingestre, Viscount
Irton, S.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Loch, J.
Lowther, hon. Colonel
Lowther, J. H.
Lushington, rt. hn. S.
Lygon, hon. General
Mackinnon, W. A.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Norreys, Sir D. J.
Oswald, J.
Pakington, J. S.
Palmer, G.
Palmerston, Viscount
Peel, rt. hon, Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, D. R.
Redington, T. N.
Rice, rt. hon. T. S.
Round, J.
Russell, Lord J.
Sanderson, R.
Seale, Sir J. H.
Seymour, Lord
Sheppard, T.
Smith, G. R.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Spry, Sir S. T.
Stanley, hon. W. O.
Stock, Dr.
Surrey, Earl of
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thompson, Alderman
Townley, R. G.
Troubridge, Sir E. T.
Vere, Sir C. B.
Villiers, hon. C. P.
Waddington, H. S.
Warburton, H.
Wilbraham, G.
Wood, C.
Worsley, Lord
Yorke, hon. E. T.

TELLERS.

Stanley, hon. E. J.
Parker, J.

On the original question being again put,

General *Johnson* said he would oppose the further progress of this bill, on the ground that it was totally useless. The power of the commissioners would not terminate before the next Session of Parliament, and he thought it far better that a bill should be introduced at an earlier period of the Session to amend, what all admitted to require amendment, the present law. He would move, that the House resolve itself into a Committee on the bill that day three months.

Lord *Worsley* hoped that the bill would be persevered with, as if it were given up, it would lead the people of those districts where Unions had not yet beenformed, to suppose that it was not intended to sanction the provisions of the Poor-law Amendment Act, after the present Session.

The House divided on the original question: Ayes 127; Noes 26:—Majority 101.

The House in committee.

On the first clause, and on the motion that the blank in it be filled up with the words fourteenth day of August, 1840.

Mr. *T. Duncombe* objected to the period to which this bill proposed to continue the Poor-law commission.

Mr. *Wakley* could not, then, understand why the bill before the House should be continued for two years.

The committee divided:—Ayes 110; Noes 42: Majority 68.

The clause to stand part of the bill.

Lord *J. Russell* said, that in consequence of what had passed relative to the hardship of persons having married, expecting to receive parish relief in case of necessity, being altogether deprived of it, he should therefore, propose a clause to obviate it. The noble Lord moved such a clause.

Clause read a first time.

On the motion, that it be read a second time,

Sir *T. Freemantle* thought that this clause did not go far enough in limiting its operations to the cases of parties who had been married previous to the passing of the new law; because its provisions were not known in many parts of the country for a twelvemonth or more after it passed, and in many parts it was not yet in operation at all.

Sir *Robert Peel* apprehended, that this clause would only render the operation of the law more stringent than before, by restricting the extension of this species of relief to parties who had married previous to 1834. The right hon. Baronet read a variety of returns, showing that a discretionary power was exercised by the guardians in various parts of the country, in favour of parties having young children, without any mention as to the period of their marriage.

Lord *John Russell* said, that by the present law, if a peremptory order was given by the commissioners to the guardians, not to give this sort of relief, they would be bound to obey it in all cases; but this clause would enable the guardians to relax the rule in the cases specified in it, in spite of such peremptory order.

Sir *T. Acland* said, that the more he considered the subject, the greater did the difficulties appear; he, therefore, thought that it would be better to postpone this clause until the whole subject came before them next Session.

Lord *John Russell* said, that he would consent to leave out of the latter part of the clause the words "married since the 14th of August, 1834," and the clause, as amended, would read as follows:—

"And be it enacted, that in the case of any able-bodied labourer who shall respectively have been married before the 14th of August, in the year 1834, and who shall be unable by his industry to maintain his children, the issue of such marriage, it shall be lawful for the guardians of the union or parish, to which such ablebodied person is chargeable, if they shall think fit, to give relief to such ablebodied person, by admitting one or more of such children into the workhouse of such union or parish, without requiring such ablebodied person to receive relief in such workhouse; and be it further enacted, that in the case of any widow having more than one child under the age of ten years, and who shall be unable by her industry to maintain her children, that it shall and may be lawful for the guardians of the union, or the parish to which such widow is chargeable, to give relief in kind to such widow, without requiring her to receive relief in the workhouse."

Sir *T. Freemantle* objected to any distinction being drawn between ablebodied labourers married before or after the date of passing the Poor-law Act. With the view of deciding on this point, he should move, that in the first part of the clause, the words "married before the 14th of August, 1834, should be omitted."

The committee divided on the question, that the words proposed to be left out, stand part of the question:—Ayes 48; Noes 78: Majority 30.

List of the AYES.

Baring, F. T.
Barrington, Viscount
Berkeley, hon. H.
Berkeley, hon. C.
Blair, J.
Bryan, G.
Burroughes, H. N.
Clements, Viscount
Craig, W. G.
Dalmeny, Lord
Elliot, hon. J. E.
Fitzroy, Lord C.
Greenaway, C.
Grey, rt. hn. Sir C.
Grey, rt. hon. Sir G.
Grote, G.
Hardinge, rt. hn. Sir H.
Hastie, A.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Hope, hon. C.
Hoskins, K.
Howard, Sir R.
Kemble, H.
Morpeth, Viscount
O'Connell, M. J.
Pakington, J. S.
Palmerston, Viscount
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Seale, Sir J. H.
Seymour, Lord
Sibthorp, Colonel
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Thomson, rt. hon. C. P.
Turner, W.
Wilshere, W.
Wood, Colonel T.
Worsley, Lord

TELLERS.
Parker, J.
Gordon, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Attwood, T.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.

Broadwood, H.
Brotherton, J.
Clerk, Sir G.
Cochrane, Sir T. J.
Collins, W.
De Horsey, S. H.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duncombe, T.
Ellis, J.
Fielden, J.
Filmer, Sir E.
Finch, F.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Graham, rt. hon. Sir J.
Grimsditch, T.
Halford, H.
Hall, Sir B.
Hawes, B.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Irton, S.
James, Sir W. C.
Johnson, General
Langdale, hon. C.
Loch, J.
Lockhart, A. M.
Lowther, J. H.
Mathew, G. B.
Mildmay, P. St. J.
Morris, D.
Neeld, J.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Parker, R. T.
Pechell, Captain
Perceval, hon. G. J.
Pinney, W.
Redington, T. N.
Round, J.
Sanderson, R.
Scholefield, J.
Somerset, Lord G.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham. G.
Williams, W.
Wood, C.
Wood, G. W.

TELLERS.
Fremantle, Sir T.
Darby, G.

Words omitted.

General *Johnson* moved the omission of the words "by admitting one or more such children into the workhouse."

The Committee divided on the original question: Ayes 90; Noes 36: Majority 54.

On the question, that the clause stand part of the bill,

Lord *J. Russell* said, that the clause, as it originally stood, might be considered as fairly exempting persons married before the Poor-law came into operation, but as it was now drawn up, it would amount to a restoration of the allowance system. He must vote against it.

Mr. *Wakley* thought this measure much too important to be concluded at that late hour; and he also thought it was very necessary that the country should know what the House were about with this bill. The hon. Member moved, that the Chairman do report progress.

The Committee divided on the motion: Noes 102; Ayes 15: Majority 87.

The Committee then divided upon the question, that the clause stand part of the bill:—Ayes 47; Noes 64: Majority 17.

List of the AYES.

Aglionby, H. A.
Alsager, Captain
Attwood, T.
Broadwood, H.
Brotherton, J.
Burroughes, H. N.
Cochrane, Sir T. J.
Collins, W.
Darby, G.
Douglas, Sir C. E.
Duncombe, T.
Ellis, J.
Fielden, J.
Filmer, Sir E.
Finch, F.
Freshfield, J. W.
Gaskel, J. M.
Grimsditch, T.
Halford, H.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Hodges, R.
Holmes, W.
Irton, S.
James, Sir W. C.
Johnson, General
Kemble, H.
Langdale, hon. C.
Lowther, J. H.
Mathew, G. B.
Morris, D.
Neeld, J.
O'Brien, W. S.
Parker, R. T.
Pechell, Captain
Perceval, Colonel
Perceval, hon. G. J.
Round, J.
Saunderson, R.
Turner, W.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Williams, W.
Wood, Colonel T.

TELLERS.
Somerset, Lord G.
Sibthorpe, Colonel

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Baring, F. T.
Barrington, Viscount
Berkeley, hon. H.
Berkeley, hon. C.
Bramston, T. W.
Bridgeman, H.
Bryan, G.
Clements, Viscount
Craig, W. G.
Dalmeny, Lord
Donkin, Sir R. S.
Elliot, hon. J. E.
Fremantle, Sir T.
Gordon, R.
Graham, rt. hn. Sir. J.
Greenaway, C.
Grey, rt. hon. Sir G.
Grote, G.
Hastie, A.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hutton, R.
Loch, J.
Lockhart, A. M.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Norreys, Sir D. J.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Peel, rt. hon. Sir R.
Philips, M.
Pigot, D. R.
Pinney, W.
Redington, T. N.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, hon. Lord J.
Rutherfurd, rt. hn. A.
Somerville, Sir W. M.
Stanley, hon. E. J.
Steuart, R.
Stock, Dr.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Wilshere, W.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.
Seymour, Lord
Briscoe, J. I.*

The Clause lost.—The House resumed.—Committee to sit again.

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* We omit the lists of two divisions as of comparatively little importance.

HOUSE OF LORDS,

Tuesday, July 30, 1839.

MINUTES.] Bills. Read a second time:—Militia Ballots Suspension; Courts for Counties.—Read a third time:—Imprisonment for Debt Act Amendment; Bankrupts Estates (Scotland).

Petitions presented. By the Bishop of Gloucester, from the Clergy of Norfolk, against the Church Discipline Bill.—By Lord Lyndhurst, from the London Dock Company, against the Inland Warehousing Bill.—By Viscount Strangford, from the Liverpool Dock Company, to the same effect.—By the Marquess of Lansdowne, from several places, for a Uniform Penny Postage.

GOVERNMENT OF IRELAND.] Lord *Brougham* said, that as some doubts seemed to have been entertained as to whether he should proceed with his motion on the subject of crime in Ireland, in performance of the promise he had given to their Lordships, he would now state, that upon considering the matter, after conversing with several noble Lords upon it, and finding that there were only about forty or fifty pages of the report to which his motion would refer, he should most undoubtedly on Tuesday next bring forward his motion.

The Marquess of *Normanby* expressed a hope that the noble and learned Lord would give notice of the resolutions which he meant to propose. He understood that the noble and learned Lord's motion would relate to forty or fifty pages of evidence; but it might be his duty perhaps to make some general observations on the state of the country as arising out of the proof brought before that committee. His opinion was that any general discussion on the subject at this period would be physically impossible. He had commenced reading the evidence, but had made very slow progress with it. The committee had sat forty-four days; they examined witnesses for three or four hours each day; and there was, therefore, nearly 150 hours of work; so that if any noble Lord wished to make himself master of the evidence before the discussion came on in that House, he would not only have to employ every hour of every day, but nearly every hour of every night. It was quite out of his power to do anything like justice to the evidence in so short a time, but if the noble and learned Lord chose to persist in his motion, he was quite in the hands of the House; but he was sure noble Lords must see the unfairness of taking up particular parts for discussion.

Lord *Brougham* intended to lay his resolutions on the table of the House on or before Friday.

The Earl of *Wicklow* would repeat what he had before asserted, that the course proposed by the noble and learned Lord was unjust to all parties. It was unjust to the committee to confine the discussion to one subject, and if he had been a member of the committee, no consideration on earth should induce him to consent to have any thing less than the whole question brought before the House. Since it was the determination of the noble and learned Lord to bring on his motion, he was sorry that he had been prevented by any circumstances from laying on the table of the House the paper which he had prepared referring to the topics of his resolutions, because all the clue which he now had to search for them in the evidence was a surreptitious publication, professing to be a draught of propositions to be submitted to the committee. How that got before the public he could not conceive; he thought there must have been some very great breach of confidence, and the matter ought to be investigated. It was a most extraordinary thing that private draughts of papers brought down to a committee should be made public, no one knew how, and that before they were laid before Parliament. [Lord *Hatherton*.—And these papers marked "private and confidential."] They were published in the newspapers of Dublin. [Lord *Brougham*—Before the evidence was laid before Parliament:] Yes, certainly. He saw them first in the *Dublin Evening Mail*, which professed to have them exclusively, and to have been furnished with them by a private friend. He did not know who that private friend was, but he thought that the matter should be inquired into. However, it was by means of that draught alone he must endeavour to get at the facts of the evidence proposed to be discussed by the noble and learned Lord. But the more he thought of that proposition, the more convinced he was that it was unjust to the committee, who had laboured for so many months, as well as to the whole question itself.

Lord *Brougham* said, if he thought that there was anything unjust to the subject in his proposition, and above all to the noble Marquess, he should not persevere in it. There was abundance of time to read the whole evidence, with a view to that part to which he should refer. There was a precedent for the course he had proposed in the evidence taken on the orders in council with respect to slavery, which occupied two or three months in taking, and yet the House went into the subject at ten days' notice.

Viscount *Melbourne* said, it was quite impossible for any noble Lord to make himself master of the evidence, or of any of those parts on which the noble and learned Lord grounded his resolution, in so short a time. He felt that it was a difficult matter for any Member of the Government to speak on this point, but he should not say anything which might have the appearance of deprecating or wishing to put off a motion which might be supposed to affect the Government, or any Member of it. At the same time, if resolutions were to be proposed affecting the existing authorities in Ireland, or tending towards an alteration in the administration of justice there, it would be decidedly objectionable to entertain them, when there had not been time enough to consider the evidence on which they were grounded.

Lord *Brougham* said, his resolutions would be such as might be adopted without reading one tittle of the evidence.

The Marquess of *Londonderry* said, he did not see why their Lordships should be influenced by the desire of the noble Earl (Wicklow) for postponement. How did the matter stand before the public? The secret committee had been sitting for three or four months, and it was generally understood that a report was to be made. Then certain noble Lords presented a certain epitome of their own opinions; but that plan was knocked on the head. Then it was decided that the evidence merely should be reported. Then, a fortnight ago, the noble and learned Lord gave notice that he intended to call the attention of the House to the administration of justice, and his noble Friend behind him gave notice of his intention to call the attention of the House to another part of the report; and now gets up one noble Lord, and says, there is no time for considering the evidence—in that another noble Lord joins him, and very likely the matter would end for the Session. He would not say there was any manœuvring about this, but he must say that to him it had all the appearance of it. It was the same course as was taken upon the Canada question. Three months ago noble Lords opposite threatened to bring serious and grave charges against the noble Earl, but the other night the noble Earl the late Governor of Canada paid all sorts of compliments to the noble Viscount at the head of her Majesty's Government for the manner in which he had managed the bill before the House; and there they were, no doubt very well satisfied as to their future proceedings. The noble and learned Lord said last night, that he did not intend to be present during the first part of the ensuing Session, and, therefore, if this motion were postponed, it would stand over to the end of that Session, and the same objection on the ground of lateness would be then applicable. He feared that postponement would have the effect of making this question be treated in the same manner as the Canada question was. But he must say, that if he had been in the situation the noble Marquess had occupied, no earthly consideration whatever should induce him to remain silent under the charges made in that report, without calling upon Parliament to investigate the matter; and he thought it was due to the character of the noble Marquess that it should be investigated without delay.

The Marquess of *Normanby* was not astonished at what had fallen from the noble Marquess, because it was in strict conformity of what upon a former night he stated, that he was quite ready to come to a decision though he could not have read the evidence. When persons were about to pronounce an opinion on his conduct, he was desirous that they should first read, study, and digest the grounds on which that opinion was to be framed. He had all along stated, that as soon as their Lordships had so prepared themselves to come to a decision, the better, as far as he was concerned. He was not in the least afraid of any particular points in the details of that evidence which the noble Marquess or any other noble Lord might choose to lay before the House: but he thought there were parts of the evidence which it would be inconvenient to introduce so soon into the general discussion.

Conversation dropped.

MESSRS. LOVETT AND COLLINS—WARWICK GAOL.] The Earl of *Warwick* was called upon by a sense of public duty, and in defence of the characters of certain individuals who had been implicated in charges made in a petition recently presented by the noble and learned Lord opposite (Lord Brougham), from two persons, named Lovett and Collins, who had been confined in Warwick gaol, and who stated that they had been most severely treated while there. He was sure his noble Friend opposite must have been satisfied that those persons were so treated from the very anxious manner in which he advocated their cause. But those statements appeared to him to be much overwrought at the time; and knowing the magistrates who were the visitors of the gaol, and the parties who had the conduct and management of it, and being satisfied that the gaol was as well, as carefully, and as humanely superintended and managed as any other gaol perhaps in the country, he was perfectly satisfied that those statements would afterwards be proved to be overcharged. That he was now prepared to show by authentic papers. But as the noble and learned Lord went into so many details, reading the whole of the petition, and animadverting in stronger language almost than the petitioners themselves on their treatment in the gaol, he was afraid he should be compelled to read the answers which had been given to the allegations of the petitioners, long as they were; and, perhaps, the shortest way would be to read them through at once. The noble Earl then proceeded to read the report of the visiting magistrates of Warwick gaol, on the allegations in the petition of Messrs. Lovett and Collins; and also the evidence on which the report was founded:—

"Vicarage, Warwick, July 23, 1839.

"My Lord,—In reply to your Lordship's directions that a report of the visiting magistrates on the petition of William Lovett and John Collins should be immediately forwarded, I have the honour to transmit a copy of a report, &c., forwarded yesterday to Sir J. E. Wilmot, chairman of the Quarter Sessions, at his request.

"The statements and declarations appended thereto can, if required, be verified on oath.

"In this report your Lordship will perceive that the visiting magistrates have confined themselves chiefly to facts, without expressing their own opinions whether the rules and regulations for the enforcement of discipline and cleanliness, as well as the dietary, are or are not too stringent; this did not appear to them matter of present discussion, in the case of the petitioning prisoners, so much as the fact, whether the mode in which the officers of the prison have carried the rules and regulations into effect had been uncourteous, harsh, or unnecessarily severe.

"I can confidently assure your Lordship, that the visiting magistrates are one and all anxious that no undue restraints, or obnoxious discipline, should be enforced in the prison. They are disposed to assent to and recommend any relaxations of the severity of discipline, or any indulgence to prisoners, which, on mature deliberation, can be deemed practicable and safe.

"I have, &c. JOHN BOUDIER, V. M.

"The Right Hon. the Secretary of State
for the Home Department."

"To Sir John Eardley Wilmot, Bart., M. P.,
Chairman of the Quarter Sessions for the county of Warwick.

"Sir,—In compliance with your wish, we, the visiting magistrates, have carefully investigated the charges contained in the petition of William Lovett and John Collins, lately confined in her Majesty's county gaol at Warwick, complaining of undue severity and harshness of treatment. We beg leave to present the following report, to which we have appended statements and declarations of the surgeon, governor, turnkeys, and others, on whose deliberate testimony, as well as the observations made by us, the visiting magistrates, the report is founded.

"REPORT.

"It appears that the prisoners William Lovett and John Collins were committed for a misdemeanour. On being received at the gaol they underwent the same strict examination and search of their clothes and persons to which every individual committed for misdemeanour is subject by the customary rules and usage of the prison. They were also bathed, and Lovett, one of them, had his hair cut.

"In regard to searching and cleansing, however anxious to spare the feelings of parties apparently respectable, it is clear the officers could not, without culpable partiality, draw a line of distinction in the treatment of individuals committed for the same class of offence. For the purpose of identity in case of escape, every prisoner, except a debtor, is, according to long-established custom, inspected minutely in person and apparel, and particular marks described and registered. The visiting magistrates admit and regret, that often from the circumstance of the numbers brought to prison at the same time, and the accommodation not being so ample as might be wished, some exposure cannot be prevented; this, however, is a point to which they are directing their attention with a view to remedy.

"As respects bathing, the very dirty state in which prisoners are brought, especially from other prisons, and from lock-up houses as at Birmingham, renders it indispensable that those who have been so confined, though apparently cleanly, should undergo further inspection and cleansing, inasmuch, as in numberless cases, the best dressed are found in a state which would necessarily introduce contamination, and even vermin, into the prison; hence, by long uniformly recognized and necessary custom, all are inspected, and all are bathed.

"The investigation of the individual cases of petitioning prisoners, Lovett and Collins, and their treatment, however complained of, in the opinion of the visiting magistrates, fully exonerate the officers from the imputation of any peremptory, harsh, or even uncourteous conduct. The declarations appended, strongly, deliberately, and, we believe, truly assert that they, the officers, showed every disposition to abstain from needless annoyance; that directions were given to allow Lovett and Collins to take their bath before the other prisoners; and although, by mistake, another person got before Collins, so far from complaint, Lovett expressed himself gratified by his bath, and Collins appeared also well satisfied. The water in the bath was fresh and clean.

" The charge of the prisoners having their hair forcibly cut by a common felon is wholly unfounded as respects Collins, and by no means strictly true in regard to Lovett; the hair of Collins not being cut at all, and Lovett's only shortened, in conformity with his own express direction.

" The bathman and barber, it is admitted, is a felon; but his offence is of comparatively trifling character—that of stealing a spade—while his exemplary conduct and previous good character recommended him to the governor as a fit person to be employed and trusted.

" The statements that the prisoners' shirts were taken from them is untrue; all that was done was to stamp or mark them, which is not only usual but necessary, in order to a correct return of them after washing, as well as on their going out of prison.

" The allegation that the prisoners were put into a ward with twenty-two prisoners, one of whom was affected with itch, is explained, and in the main rebutted by the facts. In the ward there was discovered (some two or three days after they were admitted) a deserter who had the complaint, but he was immediately removed and cured. The surgeon, in ordinary course, and in discharge of his duty, prescribed by Act of Parliament, inspected all the prisoners in the ward, and, therefore, Lovett and Collins amongst the number. The ward, be it observed, was the proper misdemeanour ward, assigned to the prisoners under the classification prescribed in the Gaol Act, 4th George iv. sect 10, rule 6, and the only one to which they could have been transferred.

" So far from exhibition of the two prisoners to persons coming out of curiosity into the prison, it is believed that fewer persons than usual visited the prison with orders during the term they were confined.

" The answering to their names was required only in enforcement of the customary and necessary discipline. The taking off the hat appears to have been required in conformity with long-established usage.

" The county allowance of provisions complained of, is in strict conformity with the dietary prescribed; in addition to which each is permitted by order of the Court, to expend 3d. per day, making together, with the county allowance, an amount greater than they are permitted to expend under the rules and regulations of the prison, sanctioned and confirmed by the judges of assize; a copy is appended. The prisoners did not ask to provide themselves, although the rules admitting them to do so are hung up in their day room; they were, therefore, supposed to be on county allowance, which, with the 3d. per day, is so greatly to the advantage of the prisoners, that in the memory of no single officer of the prison have more than one or two prisoners applied to provide themselves, and these have shortly after requested to be put back to county allowance.

" The prisoner having county allowance of warm food, it is not usual in the summer months to have fire in the day rooms; but the two prisoners on application had eggs boiled for them, and knew or might have known, on inquiry that the turnkey would have dressed bacon for them. The governor also distinctly states, that had he been applied to, he should have provided them with the means to cook the provisions they purchased.

" The mode prescribed to each prisoner to make his own bed is according to uniform custom, purposely intended to promote cleanliness and ventilation. The beds are folded up so as to expose the part slept upon open to the air, and the blankets folded and placed upon the bed, as in a barrack room. The visiting magistrates are of opinion that no reasonable complaint can be made of the cleanliness, sweetness, and ventilation of the cells or bedding. The furniture is, as by custom, uniformly supplied to all alike.

" The boots or shoes of prisoners are always ordered to be placed outside the cell, as one means of rendering escape less facile.

" The regulations for walking in the yard are enforced to promote exercise and health, under the approbation of the surgeon. The day-rooms, at such times, in hot or in wet weather, are always open, and the prisoners have access.

" The regulations as to writing:—Correspondence and admittance of friends are in exact conformity with the printed rules and regulations, sanctioned and confirmed by the Secretary of State, or by long-established custom.

" Books, subject to the approbation of the chaplain, will be allowed.

" Prisoner Lovett was informed by the governor, who understood that he wished for writing-paper to prepare his defence, that he might have what he pleased, counted out to him, according to custom, and that what he so wrote for his defence would not be subject to inspection; though his correspondence received, or sent out must be. He had, in consequence, three folio sheets for that purpose, and which he took out with him on leaving the prison, the same not having been inspected.

" The assertion of the prisoners, that from twelve o'clock on the Sunday to nine o'clock a. m. on Monday, they were not served with any food, is answered by stating, that on the

Sunday the full allowance for the day is served out; at nine o'clock a. m. each prisoner receives one pound and three quarters of bread, and one pint and a-half of substantial gruel. At twelve o'clock one pint and a-half of soup is given to each, which (notwithstanding complaints of petitioners) is substantial and good, a strong vegetable soup thickened, and a fair portion of meat stewed down during the whole preceding night. It is left to the prisoners on Sunday to reserve such portion of their food as they please, to be consumed during the latter part of the day.

"The visiting magistrates conclude their rereport by expressing a hope, that as the charges of the petitioning prisoners have been made public and printed, that you will move the hon. House of Commons to order that this explanation and reply of the visiting magistrates be also printed, as well as the declarations of the officers of the prison.

"JOHN BOUDIER. "TERTIUS GALTON.
"JAMES RATTRAY. "J. C. B. C. CAVE."

"The Declarations and Statements of the Surgeon, Governor, Officers of the Prison, and others, in reply to charges of undue Harshness and Severity of Treatment, contained in a petition presented to the House of Commons, from William Lovett and John Collins.

"Surgeon, Mr. John Wilmshurst.—(No. 1.)

"The prisoners Lovett and Collins were inspected, and from time to time examined by him only, in the ordinary course of his duty, prescribed by Act of Parliament (4th of George 4th c. 64); that at the time they were placed in their proper ward no prisoner there was affected with the itch, and that when some two or three days afterwards it was discovered that a deserter in that ward was so affected, he was immediately removed and cured. The very filthy state in which prisoners are brought in, especially from other prisons and from the lock-up houses, as at Birmingham, renders it indispensable that those who have been so confined, though apparently cleanly, should undergo further inspection and cleaning, inasmuch as in numberless cases the best dressed are found in a state which would necessarily introduce contamination, and even vermin, into the prison. In the opinion of the surgeon, the precautions uniformly taken are absolutely necessary; the exemptions of the prison from infectious and contagious diseases exemplifying the necessity of the precautions.

"J. WILMSHURST, Surgeon."

"Governor, Henry Adkins.—(No. 2.)

"The treatment of the prisoners Lovett and Collins, both by myself and, so far as he believes, by all the other officers of the prison, was in all respects conformable with the prison rules; they were not subject to any harsh treatment or needless restrictions. As being committed not only for want of sureties, but for trial for a misdemeanour, they could not be placed in any other than the misdemeanours' yard, unless in his own (the governor's) opinion, their peculiar case rendered it specially expedient, or on their application, which they did not make, he had deemed it expedient to apply to the visiting magistrates to sanction their being removed elsewhere; but, in point of fact, there was no other ward to which he could have properly removed them. To him (the governor) they made no complaint or application whatever, though they had ample opportunity for so doing; and so far from being disinclined to afford them accommodation and comply with their wishes, on hearing that Lovett wished writing paper for his defence, he (the governor) specially called and informed him that he might have such paper; and that, as being used for his defence, it would not be subject to inspection. Three folio sheets were subsequently furnished to him; what he wrote thereon was not inspected and he took them out of the prison when bailed out. "HENRY ADKINS."

"Head Turnkey, John Young.—(No. 3.)

"I received the prisoners Lovett and Collins, who were brought to prison in a car; I took Lovett first down to a room called the description-room, where account is taken of person, clothing, and property, and according to uniform custom ordered him to take off his clothes; he complied without observation, excepting an enquiry whether he was to be put in the felon's cells; I said, 'no; but in the proper ward on the misdemeanour side.' He dressed himself, and I took him to the bath-room, and gave him over to the bath-man, Samuel Smith, saying, 'take this man, search him, and see that he is clean; I have no doubt but he is; if you find he is, put him into the bath first.' The water in the bath was fresh and clean. I left him, and returned for Collins, and treated him as Lovett: he remonstrated as to his shirt, but on being told it was the prison rule he instantly complied. I turned him over to Maycock, the turnkey, who took him to the bath while I fetched some shirts. I followed him within a minute to the bath room, and finding another man in the water, said to the bathman, 'why did you not do as I ordered you, and put Lovett in first?' Lovett replied, 'I have been in, sir.' He made no complaint. Soon afterwards I fetched Lovett and Collins out of the bath-room, and passed them into No. 3, the misdemeanours' yard, giving them their regular county allowance of provisions; neither made any remarks, that I recollect, though I believe something had been said by one of them as to whether they could have anything in. Conceiving them to be on gaol allowance, I said 'no; but you will be allowed to spend 3*d.* a-day beyond your allowance. Lovett had three sovereigns, which I put up for him; he took 11*s.* 9*d.* into the prison with him. Collins had 15*s.*, which he also took into the prison with him. Some Some days after, Lovett applied for some writing paper; I counted him out three folio sheets; when bailed out he took them with him; I did not inspect them. Lovett had a clean towel when in the bath. More or less towels are used according to the number of prisoners.

"John Young."

"Turnkey on the Debtors' Side, Thomas Maycock.—(No. 4).

"Under the direction of Mr. Young, I searched the prisoners Lovett and Collins. Young takes the particulars and descriptions. I took Collins to the bath-room; observed nothing particular, only heard Collins, say to Lovett, 'well, my covey, (or kiddy, I don't know which,) what you have had a good wash, and had your hair cut." Lovett laughed, and said 'yes.'

"Thomas Maycock."

"Bathman and Barber, Samuel Smith.—(No.5.)

"I received Lovett and others into the bath-room, and was directed by Mr. Young to put Lovett into the bath first. Young said, 'I have no doubt he is clean, and then let him put his own clothes on.' Lovett said he would much rather have a good wash—it was worth a guinea. I said, 'will you have your hair cut, sir?' He said, 'yes, cut a little off it, but not much; cut a few long hairs off it behind.' I did so, but not in front at all. Collins came into the bath-room, and said to Lovett, 'we shall have a county crop and a wash together.' Lovett said he had been washed already, and had his hair cut. Collins replied, 'd—n it, it don't seem to have been cut at all. I asked Collins whether he would have his hair cut? He said, 'just as you like. It did not seem to want it, and it was not cut. I remember Young remonstrating about putting any other prisoner in the bath before Collins; it was done by mistake, not properly understanding his former order to apply to any one but Lovett.

"Samuel Smith."

"Inner Turnkey, Charles Woodward. (No.6.)

"Lovett and Collins were brought into my yard on Sunday morning. On the Monday morning following I informed them with others that they were allowed to spend 3*d.* per day in sugar, butter, cheese, bacon, and eggs; either Lovett or Collins asked how they were to get the eggs cooked. I said, 'there is no fire, the eggs are generally beaten up in gruel.' Collins said, he never could eat spoon meat. On one occasion, one of them asked me to boil some eggs, but there happened to be no fire; at another time I did boil eggs for them, and certainly I should not have refused to dress a little bacon for them if asked. It is well known to the prisoners that such is my custom when asked; there were prisoners in the same yard who had been previously in prison, and knew this to be the case. Collins and Lovett both appeared perfectly satisfied, and never made any complaint to me beyond what I have stated above. The rules and regulations are hung up on a board in the day-room.

"Charles Woodward."

"John Smith, a prisoner in the Misdemeanour-yard.

"I was the person who got into the bath next to Lovett, not knowing that I was to wait, I heard Young complain that I had been put in before Collins. I immediately got out, and Collins got in. I was present when both Lovett and Collins were in the bath; both of them seemed quite satisfied and contented at that time. I was in the yard with Lovett and Collins till they were bailed out, I never heard them complain about anything, I heard Lovett and Collins talk together about bacon, and express a wish they had means to cook it, but I did not hear of any complaint made to the turnkey.

"John Smith.'

He should not trouble their Lordships with any remarks of his own, as he thought the statements he had read would show sufficiently that the treatment of the prisoners had been greatly exaggerated. It appeared that they had been treated with civility and attention, and he must say, that in his opinion, the noble and learned Lord opposite had, with many hundreds more, been imposed upon, for there was nothing to show that either of the prisoners had been improperly treated.

Lord *Brougham* said, if he had been imposed upon, he had been so as much by the noble Earl as by any other person, for the noble Earl had now confirmed the statement which he had previously made in all its essential particulars. He begged to say, that no charge had been brought against the county magistrates, or against the respectable governor, Mr. Adkins. It was only the bad system which had been complained of, for by that system persons not tried, nor found guilty of any crime, were treated as if they had been convicted. The petition which which he had presented on a former occasion had been prepared from the facts collected by a most respectable individual, whose cross-examination he would trust as much as that of any man not connected with the legal profession. That gentleman said he knew Lovett to be a most respectable man, to whose word every credence was due; and he stated also, that he had had both Lovett and Collins before him for hours, submitted them to a rigid cross-examination in order to test the truth of their statements, and to prevent the possibility of exaggeration. He further stated, that perfect reliance was to be placed on the statements of Lovett, who was a man who could not be excelled in integrity. Let them now look at the evidence which had been adduced by the noble Lord, and see whether the statements of the petitioners had been in any degree invalidated. The petitioners complained that they had had their hair forcibly cut by a common felon, and what said the evidence? Why it was said, that Lovett's hair was "only shortened" in conformity with his own express direction; but it was admitted that Smith, the barber was a felon; although it was added, that "his offence is of comparatively trifling character—that of stealing a spade." Only convicted of stealing a spade! But as he called a spade a spade, he also called a thief a thief; and it was clear, therefore, by the admission of the magistrates, that the statement of Lovett, that his hair was cut off by a felon, was perfectly true. It was no matter what the amount of Smith's offence was, for the indignity complained of was the same. Then, as to the complaint that the prisoners had been exhibited to persons visiting the prison from curiosity, what was the evidence adduced on those points? Why, it was said, that "so far from exhibition of the prisoners to persons coming out of curiosity into the prison, it is believed that fewer persons than usual visited the prison with orders during the time they were confined." But there was no attempt made to show that they were not exhibited to the persons who did visit the prison, and the numbers of the visitors was not the point in question. It was also said, that "the answering to their names was required only in enforcement of the customary and necessary discipline. The taking off the hat appears to have been required in conformity with long established usage." Now, it was of this sort of discipline, and of this long established usage, which the petitioners complained; for what was the effect of that usage? Lovett was a most respectable householder. He was taken to prison for want of bail, and before he was tried or convicted of any crime he was subjected to the indignity of being mustered with common felons when a crowd of idle people visited the prison, and in that position ordered to take off his hat. The petitioners also stated that they were searched and stripped naked, and that fact was admitted by the turnkey and it was stated that it was the practice of the prison. But it was of the practice that the petitioners complained, because by that practice they were submitted to indignities to which no person not convicted of crime ought to be subjected. The petitioners also complained that the water in which they were forced to bathe was not clean, and it was now said that only two persons had bathed before them. That statement did not invalidate the statement of the petitioners. The petitioners also complained that they were note allowed to use their own money, and it was stated in their evidence that they were allowed to spend *3d.* a-day. But they were not felons, and why should they have been thus restrained? The presumption was that they were guilty of no crime, and they had been treated as if they had been convicted. The rules and regulations of the prison were hung up on a board in the day-room, but the prisoners complained that they were not treated according to those rules, and they were told by the turnkey that they must not appeal to those rules, as they were often changed. The rules said, that the prisoners should be shut up at eight o'clock, and the petitioners complained that they had been shut up at seven o'clock, and that they had fared differently in all respects from the rules which were hung up in the prison, and there was nothing in the evidence to show that that statement was not correct. In short, he thought the evidence fully bore out the complaints of the petitioners, but he trusted that some good would arise from this great evil, and that in future a distinction would be made between persons convicted and those who, not having been tried, were, in the eye of the law, guilty of no crime. No magistrate had a right to establish rules by which persons before their trial were treated as if they had been tried, convicted, and found guilty. One word as to the bail. The petitioners had been confined nine days on the plea that the bail offered was not sufficient, and he would ask why the bail had not at once been accepted. Mr. Leader and Sir William Molesworth writing that they would answer for the bail, did not render the bail a bit more sufficient, and it was only because it was found that the prisoners were not helpless and defenceless that the magistrates had at last accepted the bail—and what bail? Why, the very same that had been at first refused. If he were the Government, he would take care that if the petitioners were found guilty, they should have no more punishment. The nine days' confinement which they had already suffered was enough for their offence.

Subject dropped.

INLAND WAREHOUSING BILL.] The Marquess of *Lansdowne* rose to move the second reading of the Inland Warehousing Bill. He did not think it necessary to say anything with regard to the sound policy and great advantages of the warehousing system, for he believed, that all persons were now prepared to acknowledge the incalculable benefits that the commercial and manufacturing interests, as well as the country at large, had derived from it. Fortunately, the feelings of the country were not in the state that they were when Sir Robert Walpole proposed the adoption of a system somewhat similar, and which excited against him the greatest unpopularity, and exposed his life and person to danger. The present system was adopted in 1803, and while it had been productive of the greatest public benefits, he was not aware that it had led to any complaints. The question now was, whether they could extend the system by embracing within its operation some of the large inland towns, instead of confining it, as at present, to certain ports. It might be said, that inland towns did not afford the same security for the collection of the revenue on the foreign articles warehoused for home consumption. It was the duty of the Treasury to see that every fiscal security was afforded, and before a licence for bonded warehouses in any inland town was granted, of course proper care would be taken that no risk was incurred in this respect. The question, then, for that House to consider was, whether there was any objection to trust the Treasury with powers which would enable it to take steps to make the inland towns partake of the benefits of the warehousing system, which were important to those places, as well as to the country at large. He had never before heard it asserted, till it was said in some petitions, that the ports which enjoyed these bonded privileges possessed vested rights, and that, therefore, they might deprive other places, and indeed the public at large, of the advantages of extending the system. The principle on which the warehousing system rested was, that taxes should be paid—if it could be done with security to the revenue—at those times, and at those places, most convenient to the consumers. On this principle it was that the depots should be placed in such situations that the manufacturer, retail merchant, or shopkeeper, might get the articles which he required for consumption on paying the duties, and should not be required to pay them before. He proposed the second reading of the bill with great satisfaction, as he was convinced, that it would be productive of great benefit. It was a subject that had for some time been under the consideration of the Government, and it had been carried through the other House by a very large majority; he trusted, therefore, that the House would sanction the second reading.

Lord *Ashburton* admitted, that the ports had no right to claim a vested interest in the possession of the bonded warehouses, and he also admitted thut if it was for the advantage of the country those privileges should be extended to other places. He did not think, however, that any case had been made out to prove that any benefits could arise from extending the bonded system to inland towns. This bill was not, as had been asserted, an extension of the principle of the bonded system, but it was a complete departure from it. The only advantage, that possibly could be alleged in its favour, was, that the bill would give certain persons in inland towns longer time for the payment of the duties. There were, however, no large inland towns in this country, at such a distance from the sea ports, that great inconvenience could arise to the public by not being able to get goods from the bonded warehouses in a short time. He also thought it was objectionable to leave this species of patronage to the Government, to determine that our inland towns should have this privilege, while it should be withheld from others. He would take the strongest case, namely, that of Manchester which place was within an hour's travelling of Liverpool. The manufacturers of Manchester could, within as short a time procure their bonded from the warehouses at Liverpool as persons at Westminster could from the London or St. Catharine's Docks. He thought, also, that there would be some want of security to the revenue in having highly-taxed articles conveyed to inland towns without having the duty paid. If this bill passed, he was sure, that within a short time demands would be made from inland towns that would appear to be unsuitable, to be released from their bonded warehouses, as they would be productive of so much inconvenience. He believed, that the bill had been pressed upon one of her Majesty's Ministers by his constituents, as it was generally supposed, that they would chiefly profit by it. He recollected, that the late Mr. Canning said that while Member for Liverpool he found it to be impossible to do justice to the jobs of his constituents, and to the claims upon himself as a Member of the Government. He was satisfied that this bill would add nothing to the commercial advantages of the country, and at the same time, it would lead to gross abuses, and to constant losses of the public revenue. He was also satesfied that no great inconvenience was experienced at present, as all the large manufacturing towns were within a short distance of the bonding ports. He trusted, therefore, that the House would not sanction the bill, but would support the amendment which he should propose, namely, that the bill be read a second time that day three months.

Lord *Brougham* stated, that his noble Friend was a very great authority on all subjects, but more particularly an a matter of this kind, as it was well known, that he had long been regarded as the first merchant in the world. He did not, however, altogether agree with him in the conclusion that his noble Friend had arrived at. He was by no means sure that the bill might not be productive of advantages, he should, however, vote for his noble Friend's amendment on the ground that sufficient time had not been given for the consideration of the bill. In addition to this, his noble and learned Friend had presented two petitions from important places, praying to be heard by counsel against this bill, as property to the amount of millions would be risked by it. If he was not mistaken, the petitioners stated, that property at Liverpool of the value of nearer five than four millions would be risked by the bill. It was nonsense to assert, that property was not increased in value by the warehouses having the privilege of holding bonding goods being conferred on it. Thus the land on which the Regent's docks at Liverpool stood, was increased in value to an almost incalculable extent by this privilege, whereas the warehouses within fifty yards of them, which had not this privilege, were of comparatively little value. He presumed the reason why the privilege was to be conferred in warehousing thirty miles off the docks at Liverpool, while it was refused to those within a few yards of them, was, that Manchester had the good fortune to be represented by the President of the Board of Trade. He did not, however, mean to say, that on consideration he might not assent to the bill, but he should oppose its progress now on the ground that it was too late a period of the Session to bring forward a measure of this kind, on a subject respecting which there was such a great discrepancy of opinion, and when there were parties at the bar praying to be heard against it. The bill was introduced in the other House only on the 16th of July, and it was one of that class of bills that he stated a few nights ago should be introduced at an early period of the Session.

Viscount *Melbourne* said, that notwithstanding the great knowledge and experience of the noble Lord (Lord Ashburton), and the great eloquence and observations of the noble and learned Lord, he thought that no valid ground had been stated for the rejection of this bill. He certainly did not think that it came within that class of bills which it was urged should be postponed, in consequence of their requiring further information, and the fullest consideration. The noble Lord stated, that no material grievance had resulted from the want of bonded warehouses in inland towns. But this was not a fair ground of objection, for could it be said, that no evil arose, when the interests of the country and of these places were not promoted in the way in which they might be, by having such privileges as these? Was it no injustice to deprive these persons of such advantages? The noble Lord said, that all the great towns were near some seaport where there were bonded warehouses. What would the noble Lord say to the towns of Birmingham, Nottingham, or Leicester, which were as nearly as possible in the middle of the island? They were, therefore, as far from seaports as they could be, although the noble Lord might not regard them as being very distant. Was it not advantageous for the manufacturers and consumers at those places, that they should have the bonded articles as near them as possible, and that every facility should be afforded to procure them as they were required. The noble and learned Lord alluded to Manchester, but he (Lord Melbourne) believed that that town was not the place that most anxiously sought for this bill. His noble Friend had alluded to the rapid means of communication between Liverpool and Manchester, but it was manifestly absurd to say, that the heavy goods, such as those warehoused articles, were conveyed from one of these places to another in an hour. This might be the time for passengers, but heavy articles were not conveyed by railways. With respect to the protection of the revenue, the Treasury would have the power of deciding on proper sites for warehouses, and of course due care would be taken on this point. This bill would be advantageous to large numbers of the manufacturers and traders of the country, and it was sought for by a great number of large towns, and it had been sanctioned by a large majority of the other House. He thought that the latter was a reason that would have weight with his noble and learned Friend, who had dwelt much upon measures sent up to that House that had received the sanction of a large majority of the other House. He, however, did not regard this of so much consequence, as he was satisfied, that measures that ought to receive the sanction of their Lordships might only be carried by a small majority in the other House. Very good measures might only be supported by a very small majority, and therefore he did not attach so much importance to the circumstances of a large majority as his noble and learned Friend. He would only add, that he was satisfied of the beneficial tendency of this bill, and should give it his cordial support.

The House divided on the original question:—Contents 38; Not-Contents 48: Majority 10.

List of the NOT-CONTENTS.

ARCHBISHOP.
Armagh.
DUKE.
Wellington.
MARQUESSES.
Downshire
Londonderry
Ormonde.
EARLS.
Abingdon
Morton
Moray
Galloway
Dartmouth
Aylesford
Warwick
Bathurst
Longford
Wicklow
Rosslyn
Charleville
Oxford
Harrowby
Glengall
Eldon
Ripon.
VISCOUNTS.
Hereford
Strathallan
Strangford
Gage
Hawarden
Gort
Canterbury.
BISHOPS.
Carlisle
Oxford
Glocester.
LORDS.
Saltoun
Sinclair
Monson
Sondes
Berwick
Redesdale
Ellenborough
Prudhoe
Rayleigh
Bexley
Wharncliffe
Fitzgerald
Lyndhurst
Brougham
De Lisle
Ashburton.

Paired off.

Montrose	Sherborne
Bute	Falmouth
Exeter	Sydney
Ailesbury	Hood
Westmeath	Doneraile
Jersey	St. Vincent
Eglinton	Exmouth
Dalhousie	Beresford
Leven	Combermere
Orkney	Canning
Digby	Reay
Carnarvon	Rodney
Courtown	Kenyon
Mountcashel	Braybrooke
Clare	Dunsany
Bandon	Glenlyon
Limerick	Maryborough
Lonsdale	Forester
Verulam	Downes
Bradford	Wallace
Portman	Lilford
De Mauley	Rosebery
Albemarle	Dormer
Torrington	Kintore
Vernon	Methuen
Lichfield	Strafford
Belhaven	Yarborough
Camperdown	Crewe
Kinnaird	Cowper
Sutherland	Lovelace
Petre	Bateman
Shrewsbury	Erroll
Carew	Wenlock
Lynedoch	Fingall
Sefton	Zetland
Cork	Bruce
Scarborough	Duncannon
Ducie	Cloncurry
Uxbridge	Lovat

Bill put off for three months.

HOUSE OF COMMONS,

Tuesday, July 30, 1839.

MINUTES.] Bills. Read a first time:—Tithe Commutation Act Amendment; Church Discipline; County and District Constables.

Petitions presented. By Sir E. Wilmot, from the Stationers and Papermakers of Birmingham, against any injury to their interests likely to result from the Penny Postage.—By Mr. Pakington, from places in Upper Canada, for Church Extension.—By Mr. Yorke, from the Cambridge Union, against a Petition previously presented by

Mr. Fielden.—By Mr. O'Connell, from Dublin, against the Expenses incurred by building a new Gaol in that city.—By Mr. Hope, from the Society of British Artists, against the Royal Academy.

PARLIAMENTARY FRANCHISE.] Sir *C. Grey* rose to move for leave to bring in a bill for establishing throughout England annual meetings of people in their parishes, and for securing to the industrious classes a regular influence in the election of Members of Parliament. If any one supposed he was trifling with the House, or had not an earnest desire of carrying the Bill into effect, they did him great wrong. The time was come when it was absolutely necessary that Parliament should consider the situation and claims of that portion of the people who had no share in the election of Members, and he believed the circumstances of the age and time had, by increasing the intelligence, and consequently increasing the excitement and aspirations of that class of people, made it quite impossible that they should remain in the condition in which they had previously subsisted without danger. If any one suspected him of revolutionary principles, or of rashness in adopting this motion, he would appeal to the whole course of his life, to his known principles of loyalty, to the situations of trust he had held under the Crown, to his time of life and disposition, to protect him from so injurious a suspicion. In consequence of the great difficulties connected with the consideration of this question, he had selected this period of the Session for making his motion, and although it might appear paradoxical, yet he would avow it was not his expectation—it was not his wish that the measure should be carried into a law and completed this Session. His main object was to call the attention of the House to the subject, and his desire would be accomplished if he were permitted to lay the bill on the table of the House, and have it printed for future consideration. He proposed to confine the operation of the measure in the first instance to England. In a measure of such importance, it appeared to him that it should be tried in that part of the kingdom where it could be introduced with the greatest safety, and where it would be most under the controul of the executive government. But, besides, he was bound to admit that he was not so well acquainted with the internal divisions or local organization of Scotland as to enable him to say how it would be likely to work in that country, He therefore thought it would be more expedient to confine it in the first instance to England, and if it were found to work well there, it could be extended afterwards to Ireland and Scotland. He hoped that would be a sufficient excuse to those Gentlemen who represented Scotland and Ireland for his not extending it to their countries. He would now state the objects and details of his proposed measure in as few and plain words as possible, for he thought he should be highly culpable if he availed himself of his position to use topics or language that should act on the minds of the people under present circumstances so as either to inflame their passions or raise their hopes beyond what he saw some probability of accomplishing. His object was, that the people should be enabled to hold meetings without riots, tumult, and disorder, and tending to secure to those who were not qualified by property to vote in the election of Members of Parliament—not universal suffrage nor household suffrage, but something which he hoped would satisfy the public, and produce that good looked for by some from more extensive and sweeping measures, namely, an influence in the election of Members of Parliament. His measure had a two-fold object; first, the right of meeting and speaking publicly and freely for redress of grievances, and sending petitions to the Crown and Parliament, expressing the sentiments and claims of the petitioners; the second object was still more important, as it presented a new feature in the constitution. He proposed to secure to those not qualified to vote at present by property, an influence in elections, through the influence of a certain limited number, to be chosen by themselves. The right of petition, and the right of meeting to frame petitions, was already established and recognised as an undoubted part of the most valuable rights of the people. So late as Lord George Gordon's riots there was an attempt by the then Chief Justice of the Court of King's Bench to put a restriction on the right of petitioning, and of assembling for the purpose of petitioning, by reviving the antiquated statute of the 13th of Charles 2nd. But it was unnecessary for him to state how that attempt was met by that House, and in particular by Mr. Dunning. The practice of petitioning and meeting had since universally prevailed, and no limit whatever could be put to the number of persons who might meet for the purpose of petitioning, or who might sign the petition they wished to present. What he wished to propose was, that instead of meetings occasionally taking place in a disorderly and tumultuous manner, there should be stated periods at which it would be known the people would assemble—that there should be stated places, and such subdivisions of those meetings, that in none of them should there be overwhelming numbers, or so many as were likely to lead to confusion or tumult. There was at present no criterion by which persons were enabled to judge whether a meeting was legal or illegal except by the conduct of those composing the meeting, from which they might infer what their intentions were. The consequence was, that the right of assembling, valuable as it was, produced often a great deal of mischief. He might allude in support of this assertion to what had lately happened in Birmingham, and to what had often occurred before of a timilar nature, and in bringing forward this proposition he was actuated by a feeling that the proceedings that had lately occurred were likely to force upon the Government the necessity of some measure for controlling and regulating the important right of meeting to petition Parliament upon public grievances. He should be very sorry to see the present ministry reduced to the necessity of introducing any such measure, and he thought that that necessity would be obviated by the plan which he had to propose. That plan provided that at stated periods, say about the time of Easter week, there should be meetings of the people in every parish throughout the country. This he begged leave to say was no novel principle, for it was the ancient law of the land that the people of every hundred, without distinction, should meet annually within the hundred; and the 60th of George 3rd, which prohibited meetings of more than sixty persons, made a special exception in favour of meetings in separate townships or parishes. It might be said that such meetings were impracticable; but let him remind the House, that for the purposes of such meetings, it was not necessary to have a large room with a long table covered with green cloth, and surrounded by red morocco chairs; no, he did not think that the people of this country had so far degenerated from those who, in the open air and under a canopy of oak trees in the field of Runnymede, obtained Magna Charta. Supposing, then, that his proposition was neither novel nor impracticable, he might be asked what advantage did he propose to draw from it? In the first place, if they were driven to the necessity of adopting measures which should give the people an idea that they were going to take away from them the right of meeting to represent their grievances, he thought that this measure would go a great way to re-inspire confidence. At present the right of meeting was exercised in a disorderly and dangerous manner, because the people only met under circumstances of agitation, so that it was hardly possible that evil should not result from such meetings; but if meetings were established for the express benefit of the people, and to give them the legal opportunity of expressing their feelings and wishes, he thought that the disorder and tumult at present attending more or less upon public meetings would be avoided. He thought also that by rendering such meetings open to all classes by bringing the different classes of the people into frequent and friendly communication, instead of standing aloof from each other as at present, this measure might be made an instrument to raise the country to a pitch of prosperity it had not yet seen. The second object which he proposed was to secure to the industrious classes a regular influence in the election of Members of Parliament. There were various signs to show that the people—the great mass of the people—were discontented at not having some influence over the making of those laws which they were called upon to obey. That discontent was, he thought, at a fearful height, and it was time to consider whether it was not possible to gratify to a certain extent the wishes of the people in this respect. Some hon. Members would, he was aware, recommend universal suffrage; but, in his opinion, universal suffrage was incompatible with the fundamental principles of the constitution. He would not discuss the difference between direct and indirect taxation, as that difference was universally recognised, but by the law of this realm the property of no Englishman could be taken in the way of direct taxation. The taxes were a gift on the part of the people, through their representatives, and were levied on the property of those who elected representatives. If they adopted the principle of universal suffrage, they would call into power an overwhelming number if those who had no property, and who could not suffer from direct taxation; and if that overwhelming number had the power of taxation—and he thought it must be conceded that they would, inasmuch as they would have the power of returning a majority of the representatives —it would amount to nothing more nor less than if they gave to a foreign power —France, for instance—the power of taking from the people of this country, having property, a certain portion of that property. Instead of adopting the principle of universal suffrage, he would propose that if these meetings should be found to act in a salutary and orderly manner, they should be allowed to elect annually one person, calling him by any name they might choose, foreman, for instance, and that the persons so elected should have the right of voting in the election of every Member of Parliament that took place within their county. This would call into action in England, about, he should think, 15,000, or if Ireland and Scotland were added, about 30,000. And this, whatever might be thought of it, would be no trifling boon. The persons thus elected would in most instances be active and intelligent men, and would exercise a very considerable influence in the election of the Members of that House. He thought that this proposition, in comparison with household suffrage, would be a cautious measure. He was afraid that, although this empire was one of the richest, the most extensive and the most intelligent on the face of the globe, the lower classes of its inhabitants were less happy than those of any other part of the world, not excepting India and Canada. All these circumstances, which had pressed very heavily on his mind, had induced him with all humility to suggest a plan for the remedy of these undoubted existing evils. In conclusion, therefore, he moved that leave be given to bring in a bill for establishing throughout England annual meetings of the people, in their parishes, and for securing to the industrious classes a regular influence in the election of Members of Parliament.

Mr. *Hodges* seconded the motion.

Mr. *Hume* said, there could be no motion made for securing to the working classes their proper influence in the election of Members of Parliament which he should not be inclined to support, and this motion was of that nature, and therefore, he should support it. He regretted, however, that his hon. Friend had not explained any of the details of the measure, by which he expected to effect his object. He, therefore, hoped the House would allow the hon. Member to lay his bill upon the table, when, perhaps, some at least of its provisions might be carried out.

Motion negatived without a division.

CHURCH-RATES—CASE OF JOHN THOROGOOD.] Mr. *T. Duncombe* rose to call the attention of the House to a case of great hardship. The petitioner, John Thorogood, was a dissenter, and a warm partizan of the liberal party, and though a poor man, he hoped the House would not indulge in the idea that his religious scruples were not as conscientiously adopted, and as firmly fixed, as those of the noblest and richest in the land. The facts of this case were stated in a petition presented by the hon. Member for Leeds, whom he was sorry not to see in his place. He had subsequently presented another petition, in which this poor dissenter again complained of having been imprisoned in Chelmsford Gaol for the non-payment of 5*s.* 6*d.* due for church-rates; that he was there treated as a felon; that he had been there six months; that for eighteen hours out of the twenty-four he was kept in solitary confinement, that none of his friends were allowed to see him, except at the hours appointed by the prison regulations; and that he had applied for leave to see his wife on Sunday, and was refused. The visiting magistrates of the county of Essex had laid a paper before the House, in which they admitted that the petitioner was a Protestant dissenter, and that he had been imprisoned for the non-payment of 5*s.* 6*d.* due for church-rates. They denied that he had been treated as a felon, and said that the felons were not confined in the same prison, but in the prison of Springfield, three quarters of a mile off. With respect to the assertion of the visiting magistrates, that the petitioner was not treated as a felon, the petitioner allowed that in certain particulars a difference was observed, but he said further, that in some respects his treatment was more severe than that of a felon, because there was no limitation to its duration, and unless he were released by the timely interference of the House, he might rot and die in gaol. The petitioner had been thirty weeks in prison, and on only four days during that time had his wife been admitted to him; and now, when he applied for leave to see her on Sundays, he met with a positive refusal. He would ask whether all this persecution was likely to redound to the credit or advancement of the Church Establishment? The petitioner stated, that he had done nothing to violate the law, and that he had been subjected to this persecution merely on account of his conscientous resistance of the payment of church-rates, and all such compulsory exactions for religious purposes, which he considered contrary to the doctrines and spirit of Christianity. He would ask whether the Church would dare to promote their demands for church-rates in Leeds, Sheffield, Manchester, or Birmingham, or any of the large towns? and if not, why did they persecute so unrelentingly, this unfortunate individual? It was stated by the Chancellor of the Exchequer, two years ago, when moving a resolution on the subject of church-rates in this House, that in the town of Manchester, there were thirty thousand inhabrtants who resisted the payment of them. Now, if the law was to be applied, why should it not be equally applied to all? He might be told, that this individual wished to obtain notoriety as a martyr. Nothing, in his opinion, could be so unfounded, and he would beg to read a letter written by the petitioner to a highly respectable dissenter, a friend and constituent of his (Mr. T. Duncombe's) on the 27th of June, before he knew that it was intended to bring the subject under the notice of the House, and, therefore, not written with any view to produce effect on the present occasion. The hon. Member read, accordingly, an extract. This letter showed that the petitioner entertained a very strong opinion against church-rates, which he did not think would ever be removed by persecution on the part of the Church. But, looking at the great number of towns where these payments were successfully resisted, he maintained that it was rank cowardice, to punish this unfortunate individual. Three years ago, the Chancellor of the Exchequer brought forward a motion for referring this subject to a committee, which sat in the years 1837 and 1838. The instructions to the Committee were, that they should ascertain the probable amount of any increased value of church lands, which might be obtained by an improved management of church leases, and to report the same to the House. The Committee made a report to the House, that they hoped to be able to give the information required early this Session. They had since made a report, but they had failed of giving the only thing that was called for of importance in this investigation, that of the improved value of church lands; but they recommended, under the circumstances, the enfranchisement of church property. This report left the question exactly where it was before. Though he was aware that they could not by a vote of this House release this unfortunate individual from the persecution of of the Essex authorities, yet he hoped that by expressing their strong opinion upon this act of violent and shameless persecution, they might shame his persecutors from further proceedings of this kind, and bring about the discontinuance of a system so little calculated to do credit to the Established Church. The hon. Member concluded by moving a resolution condemning the imprisonment of Thorogood as cruel and unjust, and declaring, that it would be the duty of the Legislature, at the earliest possible period of the next Session of Parliament, to make alterations in the existing laws for levying church-rates.

Lord *J. Russell* would not enter into the general question of church-rates, but restrict what he had to say to the case of the individual whose petition the hon. Member had referred to. The petitioner complained, that he had been treated with great severity in gaol; that was a distinct question in itself, and he would suppose for the present, that such severity had been used; but then the hon. Gentleman went on to say, that, therefore, on account of this severity, church-rates, being a cruel and unjust system, ought to be altered. But it did not at all follow that if this petitioner had not been treated with this severity, the system of church-rates would not be quite as unjust and cruel. A man might be taken up on a charge of felony, and treated with undue severity, but it did not follow, that the law against housebreaking or robbery, was a bad law. With respect to this particular case, the magistrates stated, that the petitioner was not confined with felons, but had a room sixteen feet by fifteen, and nine feet high. As to the indefiniteness of the period of his imprisonment, that, again, resulted from the state of the law, and could not be laid to the charge of the gaol regulations This petitioner was committed for contempt upon the warrant of Dr. Lushington for not answering to a citation for the payment of this church-rate. This might be a bad state of the law, but it was not the fault of the regulations of the gaol. With respect to the restriction as to the admission of visitors, he did not see, that there was any great hardship in a prisoner's being allowed to see his friends only between the hours of ten and four—a period of six hours. It appeared that this person had a room allowed to meet his wife on Sunday; but having collected a crowd at the window, he addressed them on the hardship of his situation, and on the severity of the law under which he was imprisoned. The magistrates thought, that such conduct tended to disturb the general order of the gaol, and, therefore, determined not to allow him the indulgence, which, up to that period, he had enjoyed. As to his general treatment, he believed, that the magistrates did not treat him with any unnecessary severity, seeing, that they were answerable for his safe custody. As to the general question of the state of the law, he was not one of those who wished the present system to be continued. He wished very much they had some substitute by which the sums now collected for the repairs of the church could be raised in a less objectionable and onerous manner. The hon. Gentleman must recollect, that he had proposed a plan for effecting that object, but it did not receive the sanction of Parliament in such a way as to enable him to give it effect. When he said he was anxious that some substitute should be provided for church-rates, he did not mean to approve of the abolition of church-rates without some equivalent. He did not think it right, that the repairs of the Church should depend entirely on voluntary contribution, but that some legal power should be given to provide for them. As to the assurance of the hon. Gentleman, that this person had no wish to be considered a martyr. He had certainly received a different impression from those qualified to speak to the fact.

Mr. *Harvey:* He was not surprised that the noble Lord had characterised this motion as inconvenient. Looking at the state of the session, and the vast importance of the subject which this application involved, it might be found very convenient to deal with the applicant as a very insignificant person. He regarded it of the first importance in every civilised community that individuals should be compelled to yield an instant obedience to the mandate of the law, otherwise it would be in the power of individuals from the most censurable motives, to defeat the process of the law. But why did they not apply the same principle to matters of this description that they applied to questions of property? If an individual withheld his answer on a question involving property, did they permit that the party should be put not only to great expense, but should be permanently withheld from his right, by allowing him to remain in perpetual imprisonment? They did no such thing; and the reason was obvious. One question involved a matter of property; the other of conscience. One party was treated with respect; the other with ridicule. A man resisting a demand from conscientious motives, and imprisoned in consequence, met with very little commisseration; but when a man withheld from some powerful individual information respecting the distribution of his property, all the apprehensions of justice were kindled, and he was made to feel the effects of his obduracy by a much milder treatment. If he did not give his answer voluntary it was taken *pro confesso*. Why not, he asked, pursue the same course in matters of ecclesiastical demand? It would not be convenient, because if the petitioner were the sort of man he apprehended, and ventured to think for himself, though in humble circumstances, it was desirable that he should be selected as an object of legal persecution. Hon. Members and particularly those connected with Essex, knew that any person in arrear for tithes or church-rates might have a warrant issued against his property for the amount if it exceeded 40*s*. Why had not this been done here? Because John Thorogood was a troublesome man who had an opinion of his own on religious matters, and an independent course of conduct in politics; and as Chelmsford was a great Conservative citadel, it became important to deter any man in humble circumstances from daring to think for himself. It might be said, that *5s.* was a trifling demand. Yes; but this man could not appear to the process under *6l.* Now he wished to know from the noble Lord, who had expressed something like sympathy for the conscientious scruples of the dissenters, whether it was right or just, or likely to calm the exasperation which inoculated the entire mass of the people, to say that a man should have no opportunity to resist a demand of *5s. 6d:* without being subject for a preliminary proceeding, to the legal demand of *6l.* As the Members of that House had no sympathy with any case but one which involved property to some considerable amount, he asked if any one amongst them was asked for *100l.* where he thought he was liable to a demand of *90l.*, what would he say if told he could not put in his answer without paying *600l.*? They would be all alarmed at such a case, and all their party hostility would yield to the single sentiment of hostility against such an exaction. And yet when a poor man, who told them he was a shoemaker, and in whose case *5s. 6d.* might amount to half his salary, appealed to their sympathy, he was treated with neglect. This poor man asked, "why should I pay this demand? I neither enter your church nor agree to your doctrines," But suppose this man was told "you must pay *5s. 6d.* Say yes or no If you don't agree to do so, here is a process signed by Lushington, a great Member citing you to the Ecclesiastical Court." Well, this poor man might seek legal advice, and though told that the demand might be clear robbery, he must pay *6l. 5s.* before he entered on his defence. Was that a state of things to satisfy the great mass of the people? Were hon. Gentlemen aware that these ecclesiastical courts were remnants of the ecclesiastical tyranny that formerly existed in this country? They were about to pass a bill for giving a distinguished Member of that House a splendid salary, amounting to *4,000l.* a-year. Ever since he held a seat in that House he had heard these ecclesiastical abuses denounced by such high authorities as the receiver of this large income, and that, too, with an eloquence and zeal which almost invited the suspicion of their sincerity; but never had the slightest step been taken with a view to the redress of such grievances. There were then no less than seven distinct ecclesiastical courts, the remnants of papal power. Blackstone, for he liked to quote a judicial Conservative—stated that these courts were the offspring of papal tyranny, which the Reformation itself had failed to destroy. Into either or all of these seven courts the clergy, or rather the great Conservatives of the national piety could draw the subjects of this kingdom. First of all there was the Archdeacon's Court, confined to the locality over which the authority of each respective archdeacon extended. From that individuals might be drawn into the Consistory Court; and though, as a religious body, they who presided over this court proceeded on the assumption that no man could tell a lie, they set out with a glaring falsehood, by making the very writ of removal declare (as in the case of Mr. Apsley Pellet, whose petition he had presented) that of his own free will and desire he came before the court for the purpose of obtaining speedy justice with the aid of men learned in the law. It was all in vain that the petitioner pleaded his own case, without assistance from the members of the court, as he had doctors learned in the law opposed to him, and was obliged to pay *30l.* or *40l.* Then he was told, "true, there is a judgment against you in that court, but it is only a preliminary one. The ecclesiastics, in their tender solicitude for conscience, and from respect for your sense of right, have provided you with a refuge. Are you not aware that there is a Court of Arches? We will introduce you to it. And if you should fail there, never despair; only leave *50l.* on the threshold of the Court of Arches, and we will introduce you to the Court of Peculiars. There you will have the advantage of an assembly of grave men, rendered singularly significant by wigs and other appendages of learning. If justice be not done you in the Court of Peculiars, you have nothing to do but to pay for the advantage of getting into the Prerogative Court, which, if it should confirm the judgments of the inferior tribunals, still thank your God you are in a land of liberty and of law, and the doors of justice are not closed against you, for you have still an opportunity of appearing before the Court of Delegates. And if you be defeated in all the courts, then the tender mercy of the law hands you over to a commission of review." All this for *5s. 6d.* He fancied he heard some aristocrat, whose income it puzzled the rules of arithmetic to compute, exclaim, why not at once pay such a trifle? That was not the question. Whether the demand was 5*s*. or 5*l*., there should be the means of obtaining a prompt and efficacious decision. Nothing, said the hon. Member, will gain the attention of this House to the complaints of the poor, but some great political offence which stirs not your better feelings, but your feelings of alarm, and the case of John Thorogood having roused the great body of the dissenters on the question of church-rates, there was a chance of its finding a hearing, at the expense of great individual suffering, in this House. But allow me to say that the time is come when you must not be indifferent to the voice and demands of the great multitude. We are far too close and confined in our views. We live hardly any where else than in St. Stephen's, and we are more intent on shrouding ourselves in the conceit of our importance, and in the drapery which our pride throws around us, than in evincing a solicitude to inquire into the grievances, still less to redress them, as they affect the great mass of the people. I consider this petition to come under this class; and though a minister may say it is inconvenient to consider it, and that we should proceed for the augmentation of military establishments, or for the establishment of a constabulary, this is not the way, I think, in which wholesome legislation ought to proceed; nor is it the way to conciliate the affections of the people. Though you are accustomed to deride the name of popular power, the time is rapidly coming when a complaint of this nature will be considered a proof that the grievances to which it refers have been too long neglected.

Mr. *Duncombe*, in order to meet the views of the noble Lord, would alter his motion.

Sir *R. Inglis* would oppose the change.

Mr. *Hawes* moved the omission of the words which his hon. Friend wished to have struck out.

Mr. *Easthope* was glad that his hon. Friend had changed his original motion, so as to admit of the question being submitted to the consideration of the House, and of the present state of the law being canvassed without relation to individuals. He thought it of great importance that every discussion on this subject should as much as possible be divested of individual character, and that the state of the law, and that alone, should be contemplated by the House. Thorogood was incarcerated from the 10th of January to the present time for resisting a claim of 5*s*. 6*d*.; not because he fraudulently endeavoured to resist it, but because he could not consistently with conscientious scruples agree to the payment. His mode of resistance to the law might be unwise, but that did not prove that the law itself was not unjust. Indeed, he felt astonished that this papistical law should have been continued so long, without raising a tumult in that House against it. But what surprised him more than anything was, that the hon. Member for Oxford, so famed for his objection to popery in all its forms, should cling with such apparent fondness to this relic of popish domination, which had been suffered to remain on the statute book to the disgrace of our country and of our legislation. Surely the hon. Baronet ought to be among the foremost to advocate the change in the law which, as it now stood, was injurious and disgraceful to the Established Church. If that House, being composed principally of the members of the Established Church, had resolved against the continuance of church-rates, well might a Protestant dissenter, under the influence of conscientious opinions, oppose such a tax, and well might his incarceration by a law, which was an outrage on all common sense and justice, raise an outcry throughout the country.

The House divided upon the question, that the words proposed to be left out by Mr. Hawes stand:—Ayes 20; Noes 44: Majority 24.

The House divided on the resolution so amended having been put, Lord John Russel moved the previous question:—Ayes 42; Noes 22: Majority 20.

SECOND DIVISION.

List of the AYES.

Barnard, E. G.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bryan, G.
Craig, W. G.
Easthope, J.
Ellis, W.
Ewart, W.
Fielden, J.
Finch, F.
Guest, Sir J.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Howard, P. H.
Hume, J.
Humphrey, J.
Hutton, R.
Johnson, General
Leader, J. T.
Lushington, C.
Muskett, G. A.
Norreys, Sir D. J.
O'Connell, M. J.
Philips, M.
Pigot, D. R.
Rutherfurd, rt. hn. A.
Scholefield, J.
Seymour, Lord
Somerville, Sir W. M.
Steuart, R.
Thornely, T.
Vigors, N. A.

Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Wilbraham, G.
Wood, Sir M.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Duncombe, T.
Hawes, B.

List of the NOES.

Baker, E.
Blair, J.
Broadley, H.
Broadwood, H.
Chute, W. L. W.
Dick, Q.
Gordon, hon. Captain
Hope, H. T.
Lowther, Lord
Mackinnon, W. A.
Packe, C. W.
Palmer, G.
Perceval, Colonel
Reid, Sir J. R.
Richards, R.
Round, J.
Sandon, Viscount
Sibthorp, Colonel
Somerset, Lord G.
Wood, Colonel T.

TELLERS.
Inglis, Sir R. H.
Bramston, T. W.

Resolution agreed to as follows:

"That it appears by certain papers laid before this House, that John Thorogood, a Protestant Dissenter, has been confined in her Majesty's county gaol of Essex, since the 16th day of January last, for neglecting to appear in the Consistorial Court of the Bishop of London, for the non-payment of 5*s.* 6*d.* being the amount of church-rate assessed upon him for the parish of Chelmsford; and it is the opinion of this House that it will be the duty of the Legislature, at the earliest possible period of the next Session of Parliament, to make such alterations in the existing laws for levying church-rates, as shall prevent the recurrence of a like violence being ever again inflicted upon the religious scruples of that portion of her Majesty's subjects who conscientiously dissent from the rites or doctrines of the Established Church."

THE ROYAL ACADEMY.] Mr. *Hume* rose to move that the return to the order of the 14th of March last be made forthwith, viz., a return of the amount of money received for admission, and of the number of persons who visited the exhibition of the Royal Academy of Arts in each of the years 1836, 1837, and 1838; distinguishing the entrance money from the proceeds of the sale of catalogues; together with the amount paid in salaries and perquisites to each person employed in that establishment in each of those years; also, the miscellaneous expenses under separate heads in each of those years; and the average number of students who have attended the Life School and that of the Antique, in each of those years. The hon. Member said, this matter had become one of considerable importance, and, in his opinion, called for serious attention, especially as no objection whatever had been made to the return at the time he moved for it. The annals of Parliament, he believed, did not furnish an instance of an institution profiting largely as this did by public assistance, having exhibited conduct equally contumacious. There could be no manner of doubt about the benefit received by the Royal Academy from the public funds. The value of the chambers which they formerly occupied rent-free, in Somerset-house, was not less than from 700*l.* to 800*l.* a-year. These they had enjoyed many years. But the accommodation now allotted to them by the public could not be estimated at less than from 2,000*l.* to 3,000*l.* annually. Why should the Royal Academy (which received so much of public money) refuse to submit their accounts to the House of Commons? If George 4th had not thought fit to refuse compliance with an order of the House for returns of the names of all persons having apartments in Hampton Court, and every other palace in the country, with other particulars, he (Mr. Hume) was unable to conceive any valid reason why this institution should be exempted from submitting their accounts. It then became a question, what right they had to so much and so expensive accommodation at the hands of the public; and what services they had rendered to the arts, to become entitled to this extent of accommodation? Their refusal to make the returns required, might fairly raise the question whether there ought to be any academy with such assistance from the public. He contended, that the academicians had no title or right whatever to occupy the National Gallery, except as far as their arts might be useful to the public; no grant was made of it. The Academy, in the opinion of some persons, acted as a blight upon art, and was injurious instead of being beneficial to it. The lectures of the Royal Academicians, so much spoken of, might be gratuitous—they might be good—but they did not amount to nineteen in the course of the year, yet such was the extent of their science. The academicians stated in their petition, amongst other claims on the public, that they had gratuitously educated, according to the best principles of art, nearly 2,000 students in 68 years, the most promising of whom had been sent by them to pursue their studies in Italy. Now, would the House believe, that out of that number of 2,000, only fifteen had been sent to Italy by the Academy, viz. five painters, five sculptors, and five architects, at an expense of between 4,000*l.* and 5,000*l.*? In seventy years, from 1768 to this time, the estimated amount received by the Academy for admittance to the exhibitions, and for catalogues, was 252,000*l.* The salaries to the academicians paid out of this sum amounted to 73,000*l.*; and yet, by their petition, they would have the country believe that their services were entirely gratuitous. The pensions in the same period to distressed objects amounted to 12,000*l.*, and the expenses of the annual dinners to 19,700*l.* These were some of the principal items of expenditure since the establishment of the Academy. Much stress had been made on the expenditure for the support of the school for promoting the fine arts, and the public were left to conclude that the greater part of their receipts had been paid for the support of the schools; whereas, whilst the unappropriated accumulated fund was 32,000*l.*, the expenses of the schools, in addition to the sums paid on account of the academicians themselves, had been in the sixty-eight years only 36,000*l.*; and to that extent, and no more, were the arts, in a pecuniary point of view, indebted to the Academy. All these items were taken from the evidence of the president and secretary before the Select Committee in 1836, and are deduced from their statements. By the financial statement of the Royal Academy, the present annual expenditure appeared to be:—academicians' salaries (including their deputies, the professor of anatomy, and the assistant secretary), 1,700*l.*; their annual dinner, 280*l.*; pensions to members and their relations, 490*l.*; making a total of 2,470*l.* The general expenses, including servants' wages, workmen, light, fire, models, printing, advertisements, and incidental matters connected with exhibition, were 860*l.*, and on account of the schools, 840*l.*—together, 1,700*l.* The sums paid to students at Rome, 120*l.*; and as charity to the profession at large, 460*l.*—together, 580*l.*; making a gross annual expenditure of 4,750*l.* The annual revenue on an average of ten years at Somerset-house was:—receipts at the door, 5,000*l.*; and interest of accumulated fund, 1,400*l.*; giving a total of 6,400*l.* The balance of revenue over expenditure was, therefore, 1,650*l.* Since its removal to the new National Gallery, the income, it was supposed, had increased 1,500*l.* on the admission fees, making a balance of 3,150*l.* in favour of the Society: the total receipts in the present year probably has been 10,000*l.* He came now to the petition of the President and the Council of the Royal Academy, presented to this House; and he should examine a few of the principal allegations. In that petition they state—

> "If your petitioners had conceived that by their removal they should incur any new obligation—if they had supposed that they should be rendered amenable to any new authority, or subjected to any other responsibility, save that which they owed to their Sovereign, from whose gracious hand the President of the Academy received the keys of the building they now occupy, they could not have hesitated a moment to decline any advantage or accommodation that was to be purchased at such a price."

The Select Committee on official houses summoned the secretary of the Academy, who stated their claim for their residence whilst at Somerset-house, but did not establish a right; the Academy was not mentioned in the Act 15th George 4th, in which the several establishments were recapitulated. They had acknowledged the right and power of the House to examine the secretary and president in regard to the Academy, and their responsibility was surely not less in the National Gallery than when they answered the Committee, while in Somerset-house. They further stated in their petition—

> "But whatever may be their pretensions, legal, moral, or equitable, to the undisturbed occupancy of their present habitation, your petitioners readily admit, that their best title is the use they make of it—the purpose to which it is applied. If your petitioners cannot hold it by this tenure, they desire not to advance any other claim. How far the Royal Academy has fulfilled the covenants implied under a lease of this kind, they now respectfully submit to the decision of your honourable House."

Mr., now Sir Martin Shee, in his "Elements of Art," and other works, had said as much as any man of late years to prove an academy injurious to the arts. At pages 26, and following, of "A Plan for National Encouragement," &c., he declared

> "The creation of establishments for the regular cultivation of art, the mode, perhaps the most expensive and always the least effectual; that in this kind of corporate creation a spirit is often generated, as active as it is injurious, which perverts all zeal and disappoints all patriotism—the establishment spirit."

This work was published in 1809, and the following Extracts were applied to the Royal Academy. But, I may observe, that he was not then, nor did he, perhaps, expect ever to be president of the Academy. His present situation will account for the altered language in the petition from that in 1809; he says,

> "Most of the eminent painters of the present day were self-taught, and the ablest masters of the past will not be found amongst those who studied in the celebrated schools of Italy, but amongst those who formed them."

Alluding to the professor of anatomy, who was not an academician, he said to the members:—

> "It would be more creditable to our industry, as well as to our knowledge, if we made ourselves competent to the task of instruction in that part of anatomy which is connected with our art. Whatever is necessary for a painter to learn, a painter should be able to teach; no other person can do his duty for him with equal advantage. * * * Anatomists can hardly be said to be acquainted with a living muscle, or an elastic motion. Amongst our errors of this kind, the general neglect of architecture as a study necessary to painting, is not one of the least conspicuous."

For the president's opinion of the advantage of Exhibitions of works of art, which the petition vaunts so highly, he turned to Mr. Martin Shee's observations, 'The Radiant Star of Academic Skies.'

> "Whatever advantages may be supposed to arise from public exhibitions of the works of art, there is reason to fear that they are more than counterbalanced by the evils which attend them. * * * In this country, it must be acknowledged, that our greatest painters have not been the fruit of this tree. Reynolds, West, Barry, Hogarth, Wilson, Gainsborough, were ripe in fame and merit before it can be said to have been planted among us; and if we look abroad to the old masters, we find the most eminent amongst them were those who flourished antecedent to such establishments."

The president must have seen a new light since those days, although little or no alteration has been made in the exhibitions.

The petition asserted, that

> "The members of the Royal Academy have zealously supported, for two-thirds of a century, the only regular, effective, or national school of art in this kingdom, comprising separate accommodations for the study of the antique, the living model, and the works of the old masters in the school of painting; all under the superintendence of the ablest professors."

In this assertion of exclusive merit, the royal academicians had quite forgot the Dublin Academy, where their president received his instruction, and that of Edinburgh, that claimed Allan, Wilkie, and Burnet; and they also had forgot those schools, which, before the foundation of the Royal Academy, were attended by Hogarth, Reynolds, Gainsborough, Barry, Nollekins, Banks, Flaxman, &c., the Chartered Society, the Richmond Gallery, and the Society of Arts. In fact, Mr. Martin Shee, of 1809, gives the best answer to the President Sir Martin Shee in 1839.

> "They have instituted," say the academicians, "professorships for gratuitous lectures in painting, sculpture, architecture, perspective, and anatomy."

Their returns would show, that although the sum of 10*l.* was paid for each lecture delivered, the average aggregate number delivered annually in every department was under nineteen. Not one had been given on the important science of perspective for eleven years. No instruction had ever been attempted in history, chemistry, or botany; but useless honorary professors of history and antiquities figured in front of the annual catalogue of the exhibition; a singular proof of the ideas of the Royal Academicians, of the importance of such knowledge. No lectures on architecture had been given for many years, and to prove the inutility of such lectures, a superannuated absentee, Mr. Wilkins, had been lately elected to the professorship of architecture within the last two years. But the academician petition went further—

> "They have established an annual exhibition, to which all artists, without distinction, are allowed to send their works."

If hon. Members referred to the evidence of the president and the secretary of the Academy before the Committee on Arts, they would find, that so far from artists exhibiting with them on equal terms, and without distinction, that the academicians had every advantage of best places, of having their own works put up to advantage by a committee of their own body, and, after they had been so favoured, they took three or four days to paint and varnish them up, to the injury of the other six hundred artists, whose works were thus exposed to injurious contrast and bad places; whilst the unprivileged producers of those works were entirely excluded from all inspection and control of the exhibition of their own pictures; the great dinner also and private view, at which the fate of artists for the season was decided, being strictly limited to the academicians and their patrons. But it would answer every purpose to refer again to Sir Martin Shee's own words when he was not President, for a description of the scene;—

> "Two hostile generals cannot manœuvre with more dexterity to gain an advantageous position than two rival painters to secure the most conspicuous places in an exhibition room. But it is among those on whom the privilege of office confers the power of choice, that this evil effect is sometimes most strikingly apparent. To have the interest of our rivals in our hands, and hold the means to injure or to serve, affords an opportunity which generosity will accept for its honour, selfishness for its advantage, and malevolence will seize for its gratification."

So much for the opportunity which malevolence may exercise against a rival artist. Their resolute maintenance of their exclusive right to paint up and varnish their works after the arrangement of place was made, was quite enough to determine whether selfishness or generosity prevailed among those "on whom the privilege of office confers the power."

In their petition the academicians went on to allege, that

> "They have instituted prizes in the different schools, to stimulate the industry and excite the emulation of the students. They have accumulated a valuable collection of casts, prints, and books, and provided every material and means of study necessary or expedient for the cultivation of the pursuits of taste."

If such has been the case to any creditable or very useful extent, there could be no objection to their giving returns of the prizes bestowed, with the names of successful candidates, and of the amount spent on casts, prints, books, or materials of study, &c. Returns which had been called for would be better than general assertions: but there was reason to suppose that the amount thus expended had been very trifling; for instance, the 'valuable collection of casts' now in the Academy, consisted, as he had been informed, principally of those obtained from the chartered Society of Artists, or were given in trust to them by George 4th, who received them from the Pope.

The president and council went on further to say that

> "They have gratuitously educated, according to the best principles of the art, nearly two thousand students, the most promising of whom have been enabled to pursue their studies in the schools of Italy at the expense of the Royal Academy, and the least successful of whom have been instructed in those acquirements which might qualify them to become useful agents of manufacturing and mechanical improvement."

He had already stated, that out of 2,000 pupils which the Academy had had in 68 years, only 15 had been sent abroad at the expense of the Academy: he would now give the names of the students, so maintained at Rome by the Royal Academy of Arts, since its commencement, was somewhat curious.

Sent out in		Expence of each.		
1771	Mauritius Lowe, painter..	£150	0	0
1772	Thomas Banks, sculptor ..	240	0	0
1777	John Soane, architect	240	0	0
1781	Charles Grignon, painter..	240	0	0
1785	Charles Rossi, sculptor ..	240	0	0
	John Deane, ditto	240	0	0
1790	George Hadfield, architect	240	0	0
1795	William Arland, painter..	240	0	0
Total Expenditure in 27 years..		£1,830	0	0

At this period all intercourse with the continent being stopped, the maintenance of a student abroad was necessarily discontinued for more than twenty years, during which time an addition of 50 guineas, with other advantages, were made to each of the first premiums in painting, sculpture, and architecture. After the Peace there were—

Sent out in		Expense.		
1818	Lewis Vulliamy, architect..	£470	0	0
1821	Joseph Severn, painter ..	470	0	0
1825	William Scoular, sculptor.	470	0	0
1828	Samuel Loat, architect ..	470	0	0
1831	George Smith, painter ..	470	0	0
1835	E. G. Papworth, sculptor .	326	14	0
1837	John Johnson, architect, now abroad	80	0	0
	Total in 19 years......	£2,756	14	0
	Total in 67 years......	£4,586	14	0

The term allowed to each student is three years. Occasional suspensions have occurred. The pension has varied at different periods, and is now 100*l.* per annum, with an allowance of 60*l.* for the journey out and home. Such are the great doings of the academy for the support of the most promising of the 2,000 students, or one in every 133 of that number.

And here he must again refer to Sir Martin Shee, their president, for his opinion of the quality of the instruction given at the academy. In his "Elements of Art,' he said,—

> "There is perhaps no civilized people of modern Europe amongst whom the principles of taste have been less generally diffused than among us."

And again,

> "The prevalence of portrait painting appears to have considerable influence in producing general inattention to the merits of design."

And further,

> " And the author fears that the course of study pursued in the Royal Academy is not pursued with sufficient vigour to counteract the evil. The students of that establishment are perhaps not enough impressed with the importance of a study, the traces of which do not appear to be particularly striking in the productions of those to whom they must look as their guide and example."

If he added to these extracts the opinions of the present President on the ignorance of the academicians respecting anatomy and architecture, and still more their neglect of perspective, the institution might be safely designated on his authority as most inefficient for the promotion of the fine arts; but nothing could more clearly explain the delusion of these pretended services than the statement he had already given of the number and expense of the students sent by the society to Rome. Were this a private institution, receiving no assistance from the public; he would not ask for any returns, although even then Parliament might institute an inquiry into the state of the arts, and might call the members, as it might call any other body of men before them. But, when the Academy was receiving between 2,000*l.* and 3,000*l.*, or to that value of public money, he did urge on the House to enforce the return. All the returns asked for by his motion from the Royal Academy had been furnished to the Committee in 1836 by every academy on the continent. He would now notice the petition from Messrs. George Rennie, E. T. Paris, John Martin, George Clint, F. Y. Thurlstone, James Holmes, and George Foggo, presented on 16th July, in which it was stated—

> " That your petitioners are surprised to learn that the royal academicians, located in a public building, and enjoying especial advantages and privileges from the Crown, after declaring that ' they can have no possible objection to make any return that may be required of them,' should now claim to be absolved from the order of your honourable House of the 14th of March. That the accumulated fund of the Royal Academy, which, in 1836, amounted to 47,000*l.*, is, in consequence of their occupancy of a conspicuous national edifice, rapidly increasing; and, with it an extension of influence fatal to that competition that should be maintained with other societies; and your petitioners humbly submit, that information on the management of the fine arts is at this moment highly important; that her Majesty's ambassadors have readily procured ample returns from the various schools in France, Prussia, Belgium, Bavaria, Wurtemberg, &c.; that all are anxious to explain their peculiar merits by reference to the financial and other statistics of their institutions, except the Royal Academy of London, which alone claims the peculiar distinction of being secret and irresponsible. As the honour of the country, as well as the interests of art, are involved, your petitioners humbly pray your honourable House to take into serious consideration the importance of a full and complete explanation of the management of the fine arts in this country, in continuation of the returns and evidence already printed, and for that purpose to confirm the order which, in its wisdom, it made on the 14th of March."

And in the petition of Mr. Benjamin Robert Haydon, a gentleman whose works in the historical department of art were entitled to general praise,—presented on the 17th July, he represented—

> " That your petitioner appeals to your honourable House that it is incumbent on the Royal Academy, as highly favoured by the Sovereign and by the public, more especially since their income has been, as your petitioner believes, increased by occupying a part of the National Gallery in Trafalgar-square, to lay before your honourable House every detail required by your honourable House; and your petitioner submits that the desire to conceal the information from the public is an additional proof, among many others in the history of all academies, of that narrow spirit which has rendered them in every part of Europe failures as to fostering genius, or realising in any way the noble objects the founders and supporters had in establishing them. That it is a known fact, that academies have ever given more consequence to men of humble ability, than distinction to men of great genius. That such is the opinion of Professor Waagen, the director of the Royal Gallery at Berlin, in his evidence before a committee of your honourable House; and Sir Martin Archer Shee has stated, that in this country it must be acknowledged that the greatest painters have not been the fruit of this tree. ' Reynolds,' says he, ' West, Barry, Hogarth, Wilson, Gainsborough, were ripe in fame and merit, before it can be said to have been planted among us; and, if we look abroad to the old masters, we find the most eminent amongst them were those who flourished antecedent to such establishments.' "

There were many other statements of importance in that and in the other petitions; but, as they were printed and in the hands of honourable Members, he would not make more extracts from them. In 1834 returns, which he held in his hand, were made by the Academy to the order of the House; in 1836 they also made returns, when called before the Committee, which had been appointed to inquire into arts and manufactures; and the whole object of his present motion was to have a continuation of those returns. He (Mr. Hume) had been attacked, in no measured terms, in pamphlets published in the last two years, by Sir Martin Shee, for the part he had taken to procure free access for the public to the exhibition one day in the week; and he regretted that course had not been adopted. In the letter of the president of the Royal Academy, printed and addressed to him (Mr. Hume), some personalities were indulged in with respect to himself, but he had treated them with that contempt they deserved, as he often found that when argument was wanting, resort was had to abuse; he would, however, pass over those expressions. (Sir *R. Inglis:* "Read.") Well, he would read. Sir Martin said that,—

> "Notwithstanding the *dilettanti* drilling which he (Mr. Hume) had received, he had not been sufficiently enlightened on this subject; that the fine arts did not seem his *forte*—that his sensibilities were not exquisitely acute—that in matters of taste he was not much of a critic—that he had indulged in coarse invective against the Royal Academy—and had shown more of personal enmity and rancorous virulence than of a liberal desire for the prosperity of the arts."

Sir Martin Shee and his colleagues persisted in denying that the academy received a shilling from the public, and therefore they refused to comply with the order of the House to make the returns. Now he (Mr. Hume) repeated what he had often said, that the grant of a magnificent public building was equivalent to a considerable grant of public money. He could form his own conclusion of the service of which the academy had been to the arts, and would hereafter state them, but he submitted that the returns ought to be laid before the House, that every Member might draw his own conclusions; with confidence, therefore, he submitted his present motion to the House.

Sir *H. Inglis* rose to move, as an amendment, that the original order of this House directed to the Royal Academy be discharged. He rejoiced, that this question had at length come to a regular issue. The burning zeal of the hon. Member for Kilkenny in defence of the arts had indeed induced him at different times to anticipate this discussion on occasions which none but himself could have considered fitting for it. Once he discounted his present speech in a committee of supply, when the motion before the chair was, that 80,000*l.* should be granted for the Parliamentary road to Holyhead. On another occasion he introduced the same speech, somewhat less inappropriately, on a motion for the repairs of Hampton Court Palace. In reference to that last occasion, he (Sir R. Inglis) might be allowed to complain, that the hon. Gentleman, after having repeated his own notice for a specific discussion, to which notice, as he knew, his amendment followed as a matter of course, should in his absence have endeavoured to make his present charges against the Royal Academy. Happily his hon. Friend and colleague (Mr. Estcourt) was present, and to him he was indebted for the defence which he made on that occasion. There were two courses open to the hon. Member. He might either have said, that the House of Commons had a right to demand what information it pleased from any man or body of men in the country, or that, at any rate, the House of Commons had this right in respect to the Royal Academy, in consequence of certain definite support allotted to it by the nation. This was the safer course; but the hon. Gentleman rushed blindly on the bolder course, and distinctly claimed for this House the right to inquire into the concerns of all the men or bodies of men in England; and to call all men to that bar to answer accordingly. He may call them; but is he sure "that they will come when he doth call them." Every one does not consider him a conjuror; and at all events in this instance he, like the elder conjuror, will find, that they will not come at his bidding. Let it be recollected, that this calling is of no avail, unless the House be prepared to enforce it? and let the House calculate well how it can and will enforce it, and what consequences will follow even from success, and let the hon. Member himself consider whether he be not engaging in a contest, from which, as from another contest of late, this House will gain neither new dignity nor new power. Let him be well persuaded, that these contests are desired by none but those who are the enemies of the real privileges of Parliament. The hon. Gentleman, however, persists in his motion. If his principle be correct, he can make a similar motion against any other body of men in England, nay more, against any individual, against any Member of the other House of Parliament. Is this House prepared to sanction a proposition so extravagant. But, said the hon. Member, how unreasonable and capricious are the Royal Academy. "First, there was no objection made to these returns when I moved for them; and, secondly, they are only a continuation of those which the Academy had previously furnished." On the first point, when the motion was made, after certain returns had been ordered from the School of Design, he himself (Sir R. Inglis) — it was at half-past one in the morning—asked whether the hon. Member had the sanction of the Royal Academy, and he was answered, that he need not make himself uneasy, for that the papers required were only in continuation of information already furnished to the Committee of the Fine Arts, by the President of the Academy. After this declaration he did not oppose the order. But what, on the second point, is the fact? Why, that the returns are not in continuation of any returns ever before furnished; but that, whereas those returns gave a list of the number of students, pictures, &c. these returns require the minutest account of the income and expenditure of the body in question. It cannot be said, therefore, with any correctness, that any precedent had been given for the order thus obtained, and which by his amendment he now desired to discharge. If the House had contributed towards the support of the Academy by any direct pecuniary grant he could understand how the House could call upon the academy for an account of the expenditure of such grant, but no grant had ever been made. But the hon. Member for Kilkenny argued, that if they did not have it in malt they had it in meal—that if they did not have it in money they had it in money's worth. When the Academy was first founded under the direction of Sir William Chambers, on his secession from the United Society of Artists, the King took the new body under his patronage. Did the hon. Member contend, that the King's patronage gave the House the right to interfere? The King afterwards made grants to the Academy out of his privy purse—did such grants give the right? Then the King placed it in the rooms of his own palace of old Somerset-house—did that give Parliament a right of interference? When old Somerset-house was pulled down, the King stipulated, that provision should be made for his Academy in the new building. Was that a stipulation so made on the part of the King, which gave this House the right which they now claim to interfere in the concerns of the Royal Academy. He had reason to believe, that this stipulation on the part of the King entered directly into the consideration of the terms upon which the old palace was made over to the nation. The society continued in possession of the new building for nearly sixty years, and did any inquiry take place during that time? It was stated by the noble Lord, the then Chancellor of the Exchequer, in the Treasury minute of the 7th May, 1834, that the Academy would have the same title and the same tenure of its new habitation as it had of Somerset-house, that its title would neither be improved nor weakened in any respect. He said, that the title of the Academy to Somerset-house was the same as to old Somerset-palace. But it had been said, that there was a time when the Academy was amenable to law. What was meant by that? Why, that in 1834 the Academy had made certain returns to the House, and in 1835 the secretary had been examined before the Committee of Arts and Science. That, however, was not to be brought forward as an argument against them, unless the House proved it right to make the inquiry; for the concession of the Academy in making the returns to which he had just referred might have been imprudent. The returns now moved for, he must also remark, were far more minute than, and were essentially different from those which had been placed before the committee. With respect to the apartments now held by the society, the Sovereign himself had placed the key of them in the hands of the president; and yet it had been said, that the society were interlopers in the new building. But were they, he would ask, tenants without rent to the Crown and people of England? So far to the contrary, indeed, the Royal Academy had expended on objects so purely national, that if not defrayed by them it would have been a disgrace to the nation, not to themselves, for not taking it upon them, a sum of not less than 300,000*l*. That money had not gone into the pockets of the academicians, and even its bitterest enemy had never impeached its integrity in that respect. Other societies divided amongst themselves the money they received, but that was not the case with the academicians. He did not grudge the largeness, but rather complained of the smallness of the sum that was given to the school of design, and fully admitted the great merit of the person who was at the head of that establishment; but the salary of that Gentleman was three times larger than that of any officer of the Academy. As to the professors too, they received nothing unless they lectured; the professorships were, in fact, only honorary distinctions to eminent men. It had been said, that the Academy acted as a blight upon the arts; but he would call on any one to state the names of any distinguished artist since the Academy had been formed who had not either been a member of that body, or who had not voluntarily declined that honour. The hon. Member had made it a matter of complaint, that the Royal Academy had expended 19,000*l.* in dinners, and one of the parties examined before the committee had complained, that they were not allowed the privilege of consorting with the Academy on those occasions; and this had been gravely inserted in the report of the committee. But who paid for these dinners? Did Parliament? Did the hon. Member contribute, except by his own solitary shilling at the door of the exhibition? The Academy devoted their funds to other purposes besides dinners. There was no other similar institution in Europe that was not supported by the State; but the richest state in Europe did not contribute to its Royal Academy so much as one prince, the King of Bavaria, gave for the promotion of the arts in his own country. The Academy was supported by the hard-earned rewards of its own members, aided by the contributions of artists associated with them. The walls of the building were open to the reception of pictures by the artists of every country, and 600 artists exhibited their works last year. Was this monopoly? No; "but," said the hon. Member, "they select the best places for themselves." He trusted to the eyes of those who saw the exhibition for a refutation of this statement. Mr. Leslie and Sir Martin Shee, when, on different occasions, members of the hanging committee, had declined to exhibit at all. He had heard in an audible whisper from the hon. Member, that Sir Martin Shee had begun the attack upon him. But from the very first page of the letter to which the hon. Member had referred, he found that the hon. Member had, in December 1837, described the Academy as "the meanest and most stingy of all institutions." [Mr. *Hume*: That was not an attack on Sir Martin Shee.] It was not indeed an attack upon Sir Martin Shee; but it was an attack upon the institution of which he was the bounden defender, as well as one of the chief ornaments. He believed, that it was an axiom of that House, that inquiry followed a grant of money; but the Academy had had no money, and, therefore, could not be required to make any such return. Unless this principle of inquiry was limited in some manner, there was no knowing what might not be made "amenable to law," as the phrase was. Was the hon. Member prepared to state any limits to his calls [Mr. *Hume*: Yes.] Was the hon. Member prepared to make a similar call on all exhibitions? Then he would recommend him to call for a return from the Pantechnicon. Well, then, his favourite Society of British Artists. The Athenæum, like the Royal Academy, was built on Crown land; why not have a return from thence? He (Sir R. Inglis) admitted that there was no grant to friendly societies, and yet returns were required from them; but Parliament granted them legal security, on certain conditions, and this created a distinction. He knew of no other instance of inquiry where Parliament had not granted money. The hon. Member had urged, in support of the right of inquiry, that he had obtained a return of the tenants of royal palaces. If so it was one of those returns that ought not to have been made. The hon. Member for Bridport was a member of the Geological and Royal Societies; was he prepared to bring their accounts before the House? Yet they, like the Royal Academy, possessed apartments in a building which the hon. Member would call national, and paid no rent for it. Although the Royal Academy had not made a repayment to the State in money they had made it in other ways; they had educated 2,000 pupils at their own expense; their lectures were gratuitous, and they afforded an exhibition gratuitously for artists, in an excellent central situation, which constituted the great school of England; and so far from there being a monopoly, the exhibition was open to all, English and foreigners, without any unfairness. Then, as to the dignity of the House; was the Royal Academy, it was asked, to set at nought the order of the House of Commons? In Speaker Onslow's time, the Speaker had intimated to an hon. Member, that if he persevered in a certain course he must "name him." The Member afterwards inquired what would have been the consequence if he had named him? The Speaker replied, "Heaven knows; I do not." Now what would be the consequence of the Academy's refusing obedience to a piece of paper signed "J. H. Ley, Cl. Dom. Com.?" Was such a piece of paper to be raised to the head, or received with nine prostrations, or treated like a magic spell? Was the House prepared, if the return was delayed, to go to the full extent? It had got into one difficulty about privilege, and if this order were enforced it might get into another. In the case of Samuel Wells, the House had already during this Session made an ill-advised order; and rescinded it. In this instance also the House had made an ill advised order; and he called on them to rescind it. Was the House of Commons the only body that was incapable of error? In the case of patents, when any one of them, though granted by the Crown, is impeached, is there not a legal process to get rid of it *quia improvide emanavit?* He regretted to find, that no Member of her Majesty's Government had been present during this discussion. Yes, there was one present. He should not enter into the question whether there was an adequate representation of the Government on this occasion. It was worthy of remark, however, that during the division which preceded this motion not a single Member of the Government was present. However the House might proceed in this matter, he could assure hon. Members that their order, if they attempted to enforce it would be disobeyed. The House has asked for a return which it is not entitled to require, or able to enforce. The duty of inquiry may extend to all cases, where the donations of this House may extend; and every man, and every body of men, receiving salary from this House, may receive such salaries subject to such accountability. The right to inquire may go further: it may go to cases where Parliament has given to the operations of an association powers and securities which a purely voluntary meeting could not exercise; but when this House does not give the public money, and where Parliament does not give public powers, this House has no right to inquire into the expenditure of money, or the exercise of power.

Mr. *P. Howard* seconded the amendment. He was not prepared to deny the right of the House to call for this return, but he thought that that right ought not to be exercised in an inquisitorial manner. The Royal Academy had by its exertions already produced most excellent effects; but he thought that its character would receive additional credit if, after having received all the pecuniary benefit likely to be procured, it were to throw open the doors of the exhibition to the public.

Mr. *Hawes* entirely concurred in the view taken of the subject by the hon. Baronet, and differed from his hon. Friend the Member for Kilkenny, who, in his opinion, had not made out a case for insisting that the order for those returns should be enforced. If there had been a *bonâ fide* grant of public money received by the Royal Academy, then, he admitted it would be right that the House should know what had been done with it. But no such grant of money had been made to the Royal Academy, and the House ought not to forget that their occupation of their former apartments in Somerset-house had been founded on a direct personal grant from the favour of the Crown, and that they now were in possession of their apartments in the National Gallery as an equivalent on being removed from their original premises. Similar establishments on the Continent were entirely dependent for support on the bounty of the Crown, to whom they were of course obsequious, as the source from which their subsistence was derived; but that was not the case with the Royal Academy, which had done great credit to the national taste, and encouraged the study of the fine arts in this country in the most efficient and liberal spirit. It was too much, because they had given half-a-dozen paltry rooms to the Royal Academy, to found a claim on that ground to insist on an account of the receipts and expenditure of that institution, consisting of funds raised by the skill, acquirements, genius, and industry of the artists themselves. Allusion had been made by his hon. Friend to Hampton-court Palace, and the argument was raised that because Hampton-court Palace was thrown open, so also should the Royal Academy. Why Hampton-court was public property, and an annual vote taken in Parliament for its maintenance. He did not undervalue the exertions of the hon. Member for Kilkenny for improving the knowledge of the people, but he could not support him in those exertions to the prejudice of private rights, and to the rights of meritorious men who had received a small boon from the country, but who in the services they had rendered to the arts had repaid that boon a hundred fold.

Mr. *Warburton* contended that it was

reasonable that the Royal Academy should render the accounts called for by the order of the House. He thought they were bound to do so in return for what the public had given them—the occupancy of apartments in the National Gallery—not paltry rooms, as they had been termed by his hon. Friend the Member for Lambeth, although certainly they were not what they ought to be in justice to the country; but they had cost the public more than 40,000*l.* The Royal Academy were, therefore, receiving from the public accommodation to the extent of 3,000*l.* a-year. The hon. Baronet said, that in consequence of the grant from George 3rd., they held their occupancy independently of the Commons House of Parliament, whether the opinion of the House was favourable to their conduct or the reverse. According to that doctrine, any one getting leave of occupancy from the Crown would be immoveable, and the greatest public inconvenience might be suffered. It was evident that no such right belonged to the Royal Academy, because on the discussion of the grant of money for building the National Gallery, he (Mr. Warburton) had asked the question of the Chancellor of the Exchequer, whether the other rooms that might not be required for the purposes of exhibition would be accessible to the public for any addition that might be made for the purposes of art. The Chancellor of the Exchequer distinctly answered in the affirmative, and the right hon. Gentleman repeated that assurance the other night, when this subject was under consideration. He agreed that such institutions ought not to be needlessly harrassed by demands for producing their accounts. But he was of opinion that his hon. Friend had stated good grounds why the Royal Academy should produce the statement which had been called for. The information wanted was what return the public received for the occupation of their premises, and whether the academy expended their income in a manner advantageous to the public. And if that information were refused, or not satisfactory, then the question would come whether they should be allowed to continue in the occupancy of those apartments. He regretted much, that the Academy had not attended to the recommendation which had been made to them although not pressed when the question was formerly discussed, from both sides of the House. If he were an enemy of of the Academy, he would wish them to persist in such a course, and he would ask the hon. Baronet to continue his opposition to the motion of his hon. Friend. All the allegations relative to the number of artists sent to study at Rome, and all the other statements of the Academy, his hon. Friend had successfully impugned, and the proceedings of the Royal Academy had thus been exposed to public view, instead of being allowed to pass *sub silentio* as would have been the case had not this injudicious opposition been made to the production of the returns. He was certain that throwing open the annual exhibition to the public for a limited time at the close of the Session would be beneficial to the Academy. What was its aim and object, except to encourage and foster a taste for the fine arts. And would not such a course, then, be in unison with the object for which the Academy was established? Nothing in his opinion, could be more fatal to the future prosperity of the Academy than that the motion of his hon. Friend should be defeated and that the hon. Baronet should be triumphant.

The *Chancellor of the Exchequer* said, there were three points involved in the present discussion. The first was that connected with the authority of the House the next related to the progress of the fine arts in this country; and the last, which he also regarded as one of great importance, was the welfare of the Royal Academy itself. These three points were by no means irreconcileable; on the contrary they were perfectly consistent with one another. The petition did not deny the authority of the House, but merely appealed to its discretion. He thought it was not a favourable way of putting the case of the Academy to say, as he had understood been said in the course of the debate, that the members of the Academy would rather go to Newgate, than submit to the order of the House. He could not conceive any doctrine more subversive of the authority of the House, than that which maintained that the Academy had a right to resist the order which had been agreed to. How the House ought to exercise its discretion was one question, but the right of the House to interfere, was altogether a different one, and ought not to be suffered to be compromised in this discussion or any other. If the public interest was involved in the conduct of the Royal Academy, the public and the House had a right to inquire into everything connected with that institution. But the question of the authority of the House, was not involved in this question, and was not raised by the petition of the Royal Academy. It was unnecessary to discuss now the importance of the fine arts to a country like this, for he had always found on the part of the House the greatest willingness not only to second, but to outrun any project of the Government for the advancement of them. With respect to the way in which this motion would affect the interests of the Royal Academy, no one could think that an unimportant question who looked at the great names which had cast a lustre upon that institution. But he could not tell how the present contest had arisen. Upon what possible gronnd it could eppear necessary to any member of the Royal Academy, to refuse giving to the public any information respecting its proceedings, was to him a mystery passing all understanding. His conviction was, that the more fully the accounts of the Academy were submitted to public investigation, the better the public would be satisfied with its conduct. He was sure, that this appeal to suspend the operation of the order of the House would be liable to be misinterpreted, and to be attributed to a feeling, that there was something which it was wished to keep back. He was convinced, that there was nothing in the proceedings of the Academy which it was its interest to conceal, but that those proceedings had been conducted with credit to the Academy, aud advantage to the country. There was another consideration which had been adverted to, and which related to tbe transaction between Parliament and the Royal Academy concerning the possession of the building lately erected at the public expense. The Royal Academy held their apartments in this building by exactly the same title as that under which they had occupied their former apartments in Somerset House. When he first proposed to the House the arrangement under which the Royal Academy occupied their present rooms, he stated, that he anticipated the time might come when the country would be rich enough to enlarge the National Gallery to such an extent as to require for it the part of the building which it was proposed to concede for a time to the Royal Academy. It was upon that distinct impression that Parliament had voted the money for building the National Gallery, and upon that contract, the Academy were in possession of those apartments. But no one, surely, would say, that if it were necessary to dispossess the Royal Academy of those apartments, they should, therefore, be left without a habitation in which to continue its useful labours. He thought on the contrary, that when that day should come, that the House of Commons would not hesitate to provide other accommodation for the Academy. He, therefore, said, let the Royal Academy put themselves right with the public by not raising points of contest upon a question of this kind. Let them supply the required information, in the full confidence that it would conduce to their own credit, as he was convinced it would. Upon these grounds, the motion having been made, he would support it, although if it were still to be brought forward he would beg of his hon. Friend, as he had done before, not to introduce it. But he was convinced that the best friends of the Academy were those who should press upon them the expediency, if not the necessity, of obeying the motion now that it had been made.

Sir *R. Peel* could not concur with any hon. Member in denying the right of the House of Commons to call for this information. He should be sorry to limit the jurisdiction of the House with respect to public institutions, even where none of the public money was received; but he would draw a clear distinction between all commercial societies, and all societies connected with the acquisition of gain, and institutions intended for the promotion of public objects. He, however, would not limit the right of the House of Commons to inquire into those institutions, even though they did not receive any of the public money; and in the case of the Royal Academy, their being accommodated with apartments at the public expense did, in his opinion, add to the right of the House of Commons to call for returns. But the question now was as to the discretion of exercising that right. He perfetly admitted the right, but he could easily conceive it expedient to exercise it; he could easily conceive that it might have a tendency to impair the usefulness of the society, and derogate from the efficient position in which it stood with respect to the arts. He was quite sure that no institution like the Royal Academy could exist without giving great offence to many individuals. Artists were not less liable to little jealousies than any other class of persons. Some who found their pictures at the exhibition in a position unsuited, in their minds, to their real merits, had gone so far as to suppose that a conspiracy had been formed against them for the purpose of oppressing them, and he could not say how far individual artists, jealous of this society, might prevail upon Members of Parliament to exercise the privilege of calling for returns for the purpose of a vexatious inquiry. The exercise of that inquisitorial power should not depend upon a single Member, but upon the House, and he considered the question to be as perfectly open and unfettered as if the order of the 14th of March had not been agreed to. The Chancellor of the Exchequer did not think there was any necessity for these returns, and therefore the policy of exercising their right to enforce them must still be a question. If they had been betrayed into an inconsiderate order, it was perfectly open to them to rescind or to enforce that order. The hon. Member for Kilkenny moved for and procured the order at half-past one o'clock in the morning, when if the attention of hon. Members in question had been much called to it, their jealousy would have been entirely lulled by the words which were appended to the hon Member's notice. After naming the return, he added, that it was "in continuation of accounts of the President and Secretary of the Royal Academy in July, 1836." The hon. Member said, they were returns in continuation of old returns; no one thought any more about it; there being a precedent, as was supposed, no one objected to the motion. But could any man have supposed, when the hon. Member moved for returns "in continuation of accounts of the President and Secretary," that they had not furnished returns analogous to those moved for? Were not those words sufficient to lull the suspicion of any hon. Member? Therefore, the hon. Member for Kilkenny, in adding them to his notice—not perhaps with any disingenuous intention, although a more apparently disingenuous appendix to a motion he had never seen—had led hon. Members and the House astray. The right hon. Gentleman the Chancellor of the Exchequer had said, that the day might come, and had expressed a hope that it would, when the whole of the National Gallery would be required for the use of the public, and when they must provide accommodation elsewhere for the Royal Academy. He did hope to see the day when this country would be rich enough to build for itself a depository for the arts worthy of the British nation. He did hope to see the day when, in the most favoured part of Hyde-park, he should witness the erection of a magnificent building devoted to works of art, not for the accommodation of the sovereign, but for the accommodation and delight of the universal people of this country, for their amusement, for their intellectual refinement, and for their improvement in the arts generally. Then they would be able to give up the remainder of the present building to the Royal Academy, and they would not be ashamed to take the foreigner coming from Munich, adorned as that city was with beautiful structures of art, by means of a sum which was not one five-hundredth part of our revenue, into the National Gallery of Great Britain, supposing it to be the magnificent edifice which he hoped to see erected. The country, however, should have a Post-office indulgence first. With regard to those returns, he was perfectly certain that the Academy did not refuse them from the slightest apprehension as to the result of the fullest disclosure, but because they were afraid of establishing a precedent which might lead to a constant interference and meddling with their affairs. The hon. Member for Kilkenny, in alluding to the item of dinners, had stated that they had expended 20,000*l.*, but it appeared that that was the total expense for the dinners which had been given by the Academy for the last 60 years, the expense of a single dinner beig but 240*l.* or 300*l.* Inquiry had taken place in the year 1836, and if that inquiry were to be continued or renewed upon the suggestion of every individual Member of that House, then would the efficiency of the Royal Academy be greatly and seriously impaired. At the same time, if any Parliamentary case were made out, if any ground of suspicion were established, that the funds of the Academy were abused or lavishly expended, then he would consent to an inquiry, notwithstanding that inquiry had taken place as recently as the year 1836. But how, he would ask, had the Royal Academy been lavish of expenditure? Was it in the awarding of salaries to public officers? Let the House see. Their income was about 5,000*l.* a-year, derived from the receipt of shillings paid by visitors to the exhibition, and about 47,000*l.* in the public funds, over which, be it observed, they had absolute control. Indeed, he believed they could, if they wished to exercise their extreme right, divide the profits amongst them. And yet, he was convinced, there never was a set of men who came before that House with cleaner hands, or who had been more scrupulous, not only in the distribution of money, but of patronage, than the Royal Academy. Even in the case of their public dinner they had not the privilege—no, not even the president himself—of inviting their private friends, but decided who should be invited by the operation of the ballot. From their list of salaries the Treasury itself might take a lesson. The president had nothing, although he sacrificed hundreds, perhaps thousands, in relinquishing a portion of his professional labours in order to devote his attention to the institution. Such had been the case with Sir Thomas Lawrence, and such he believed to be the case with the gentleman who now filled that honourable post. Well, the keeper received 160*l.* a-year; the secretary 140*l.*; the treasurer 100*l.*; and the librarian, who attended three times a-week, 80*l.* a-year. The public dinners cost between 250*l.* and 300*l.* a-year. During sixty years they had expended 240,000*l.* in educating the artists of this country, and instituting the school of art, which the public had refused to institute. Mr. Howard, the secretary, had stated in evidence, that instead of dividing their profits as other societies and artists did, and were justified in doing, the members of the Royal Academy had for sixty years supported, without the slightest assistance from the nation, a national school of art in which the best artists had been reared, and which had given to the arts the importance which they possessed; and that that which was done in other countries by the Government had been done by them at an expense of 240,000*l.* Then with regard to the amount of money appropriated to purposes of charity, they had distributed 30,000*l.* in charity to distressed artists; only 11,106*l.* of which had been given amongst members of their own body. Did those facts establish any ground of complaint against the Royal Academy on the score of expenditure, or any reason for calling on them for the production of those returns which they felt an unwillingness to produce? It was said, they were more of an exclusive character, that they were self-elected. They were so, but he called upon the House to try the effect of that circumstance by its fruits. Some clever men might have quitted the Academy through infirmities of temper; and there might, perhaps, be others who did not belong to it, but let the House look to those who had been elected since the year 1810, and then say whether the Academy could be charged with any narrowness of intention, or whether they had preferred mediocrity to superior merit under the system of self-election? In the list of members elected since 1810, he found the names of Wilkie, Westmacott, Raeburn (a Scotch artist, who had been elected by the force of merit alone), Mulready, Jackson, Collins, Chantrey, Bailey, Wyatville, Etty, Constable, Landseer, Briggs, Stanfield, and Gibson. That list of names alone proved, that the institution had not been forgetful of the great trust which was committed to it, had fulfilled the object for which it was established, and had exercised its powers in a manner which every true friend to the arts could wish. Not denying the right of the House to interfere, but fearing the consequences of such interference, he should give his vote to rescind the order.

Mr. *Ewart* contended, that the denial of these returns would serve to promote that interference which the right hon. Baronet so much deprecated. The real question before the House was, whether the Royal Academy was responsible or irresponsible to the House? This was not the first time the question had been raised. Four years ago he (Mr. Ewart) had brought forward the matter, and obtained a committee of inquiry. Before that committee the president of the Royal Academy was called, and there was great difficulty in getting him to answer any question. He maintained, that the House had as much right to call for returns from the Royal Academy, which was conducted in rooms erected at the public expense, as it had to call for returns and informations from school houses built from funds granted by the public.

Mr. *P. Thompson* could not bring himself to vote for the motion of the hon. Member for Kilkenny, and wished shortly to state the grounds on which he should give his vote. He confessed, had he been consulted, or if he had been a Royal academician, he should have advised the Royal Academy as a matter of prudence and propriety not to have refused these returns. He thought, the more the affairs of that body were known to the public, the more they would redound to their credit. At the same time, and without deciding at all the question of the right of the House to call for returns on good grounds being made out, he thought the hon. Member for Kilkenny had not either that night, nor when he moved for the returns, made out any case for their production. His (Mr. P. Thompson's) earnest desire was, that the Royal Academy should not refuse to give information, but at the same time he should be sorry if aid and protection were not given to a body which had been so eminently useful. Looking at the petition which had been presented, he was not surprised, that the body attacked by it should have some suspicion as to the motives of inquiries from such a quarter. And why interfere with them? What had the Royal Academy received from the Government, or the public, except the use of the set of apartments in which to exhibit their works and to carry on their business? And what did the Royal Academy do in return? It instructed pupils, it sent them abroad to cultivate and improve the arts, and the sums thus devoted by that body, were greater than even the pecuniary advantage from the use of the apartments which had been pointed out by the hon. Member for Bridport. In short, that body afforded the cheapest means by which to encourage the arts. He must, mention one circumstance which he thought redounded highly to the credit of that body. The House was aware, that by the liberality of Parliament, a school of design had been established on his motion at an expense of 1,500*l.* He had made the arrangements for that school, and in doing so had thought it advisable to obtain a council to conduct it, and to lay down rules and regulations for its guidance. With that view he applied to Royal Academicians—not to the President certainly, because he did not wish to bring them on as a body—but he had applied to Sir Francis Chantrey, to Mr. Eastlake, to Mr. Cockerell, and to Sir Augustus Calcott; and to those gentlemen was to be attributed the success of the establishment. He had also applied to other artists not of the body, but from them he had not received equal assistance. In short, without the assistance of the gentlemen he had named, he should have been deprived of the most valuable services which had been afforded to the institution. He quoted this circumstance to show the assistance which the Royal Academy had afforded to the advancement of art. He believed there was no public body or any institution so pure in principle, or which had more effectually answered its end, and seeing no public grounds laid for the motion, he should give his vote against it.

Mr. *Wyse* observed, that the returns now sought were such as the House was entitled to from every public institution. Assuming the praises bestowed on the Academy to be perfectly just, he would say, that they formed excellent reasons, not against, but in favour of the motion which had been made by his hon. Friend the Member for Kilkenny, who wished to see the Royal Academy managed with that liberality which distinguished the institutions of the continent, and of which an example had been set even by the nations of antiquity—he wished to see that body throw open its doors with Athenian liberality; and he desired that the influence of the fine arts upon the public taste might be extended to the very humblest classes of the community.

Lord *J. Russell* did not mean for a moment to deny that the House of Commons possessed a right to call for those returns; but another question presented itself—could they call for them upon such grounds as had on the present occasion been stated. They surely could not consider themselves bound by a motion made after an adjourned debate on the Corn-laws, at a time when the subject met but little attention from the Members of that House. It could not be said, that the returns now demanded, ought to be conceded because they were in continuation of returns previously obtained. The Royal Academy stated, that the demand for these returns interrupted their pursuits, and was an unnecessary calling in question of their proceedings. The returns could not be demanded on the ground that hon. Members did really require any additional information, for the evidence of the President and the Secretary before the committee, furnished all the information which any such returns as were then moved for, could possibly supply. The hon. Member for Wigan had said, that on the continent the question had not only been discussed, but almost settled, that academies were rather injurious than advantageous to the interests of the fine arts; and the hon. Member for Waterford had contended, that the Academy should be opened to the public with Athenian liberality; but he presumed the House would think, that moving for such returns as these, was not the mode to effect that object. If the House thought proper, they might come to a resolution declaring, that the slight advantage which the Academy derived from the State, ought no longer to be continued; it would then be for the Academy to determine what course they might think proper to pursue. If the House intended to interfere for the purpose of putting an end to the income which the Academy derived from the exhibition of pictures, then it would be their duty to make provision for defraying those expenses, and for giving that encouragement and assistance to young artists which now devolved upon the Royal Academy. The academicians dispensed instruction, they promoted art, and they exercised charity. If Parliament deprived them of their income, Parliament should attend to those objects to which that income had heretofore been applied. Possibly it would be contended by the hon. Member for Waterford, that "Athenian liberality" did not extend to such objects, and possibly he did not exactly comprehend what was meant by "Athenian liberality;" but he readily admitted, that it might be quite right to take measures for improving the public taste in architecture, painting, and sculpture, but undue interference with the Academy, was clearly not calculated to promote those ends; to harass and vex the Academy by this species of inquisition was at once inexpedient and unjust. He hoped, that the House would not agree to the motion.

Mr. *Hume:* The noble Lord says he has not heard sufficient grounds for calling for the production of these returns; and when we consider that he was absent from the House during nearly the whole of the debate, that is not surprising; but what argument has the noble Lord advanced why they should not be laid before the House? The noble Lord has said that I have already in the evidence of the President and Secretary of the Academy, all the information I can require. There the noble Lord is in error. I have the account to the year 1836, but I require a continuation of the same up to the year 1839. The right hon. the President of the Board of Trade, after declaring that he is ready to support the academicians in a course which he would not have advised on the score of prudence or propriety, has talked much of the exertions of the Academy in educating students, and in sending them to study at Rome. Is the right hon. Member aware that in the whole period of its existence the institution has sent to Rome only fifteen students of every kind, at an expense of between 4,000*l.* and 5,000*l.*, whilst in the same time, the salaries of the acadamicians (as deduced from their own evidence,) amounted to 73,000*l.*, their dinners to 19,500*l.*, their pensions to 12,000*l.*; but if the Royal Academy has done so much, what right had the right hon. Gentleman to call upon the House to vote 1,500*l.* for establishing a school of design? And, on that point, I think there are strong objections to the manner in which that school of design has been carried out.

With respect to the form in which my motion for these returns was drawn up, I can assure the House that I was perfectly free from any intention of misleading. I moved for the continuation of the accounts furnished by the President and Secretary in 1836. I said nothing about former returns. Do hon. Members know no difference between the words accounts or statement, and returns; or do they hope to persuade the House that they see no difference. The right hon. Baronet opposite (Sir Robert Peel) was quite astonished at such a reference to an account contained in five or six pages of evidence. I quite agree with the right hon. Baronet that he is not accustomed to such a reference as mine, for I have actually mentioned the number of every question and answer referred to, but the right hon. Baronet has also referred to the same pages of evidence, and in doing so he has evinced no great knowledge of the subject. Does he really believe what he has quoted; that the acadamicians have spent on their schools 240,000*l.*, besides 30,000*l.* in charity? However, as he also was absent from the debate, I must repeat what their expenses really have been, from an account derived from their own statements—

In salaries to the academicians	£73,000
Their dinners . . .	19,700
Their pensions. . . .	12,000
Accumulated funds . .	52,000
Charities	19,800
For students at Rome . .	4,586
Expenses of the exhibition, about	36,000

And what does the right hon. Baronet suppose remains for the schools, independent of the academicians' salaries, out of an income of about 252,000*l.*? Surely not 240,000*l.*, as stated by the right hon. Baronet, but only about 36,000*l.* What a very different story is here presented from that of the right hon. Gentleman, and the right hon. Baronet opposite, who has also said, that the academicians have a right to do as they please with the money which is the produce of the exhibition of their own works. Let us see how far this is the case? In the exhibition of this year there were 1390 works of art, by 704 exhibitors. Of these there where 25 academicians, who exhibited 112, and 18 associates who exhibited 69; the remaining 1,209, productions, or seven-eighths of the whole, were by 661 artists, who not only have neither control over the funds or participation in the management, but they are denied all knowledge of the proceedings of the academy. Is such a state of things right? Is not this a monopoly? My object is, information as to the proceedings of the Royal Academy up to the present time, in continuation of the statement they made in 1836; and I contend, that as a body enjoying public advantages, occupying apartments in a public building, they have a right to give such information when required. Let the academicians, if they think proper, give up the apartments that belong to the public, and declare themselves a private body, and I shall not ask for returns; but so long as they act as a public body, and claim to occupy apartments in a building erected and supported at the public expense, so long are they amenable to this House. I can draw my own conclusion from their refusal to give these returns, but I wish others to have an opportunity of judging of the proceedings of the Royal Academy, I therefore, in full confidence, call on the House to maintain its order of the 14th of March.

The House divided on the original motion—Ayes 33; Noes 38:—Majority 5.

List of the AYES.

Attwood, T.
Baring, F. T.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Ewart, W.
Fielden, J.
Finch, F.
Gordon, R.
Hope, H. T.
Johnson, General
Leader, J. T.
Lushington, C.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Parker, J.
Rice, right hon. T. S.
Scholefield, J.
Stanley, hon. E. J.
Stock, Dr.
Thornley, T.
Turner, W. A.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Williams, W.
Wood, Sir M.
Worsley, Lord
Wyse, T.

TELLERS.

Hume, J.
Warburton, H.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Brocklehurst, J.
Burrell, Sir C.
Campbell, Sir J.
Cole, Lord
Divett, E.
Douglas, Sir C. E.
Fremantle, Sir T.
Gaskell, J. M.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grimsditch, T.
Hastie, A.
Holmes, W.
Howard, P. H.
Maule, hon. F.
Mildmay, P. St. John
Morpeth, Viscount
Morris, D.
Oswald, J.
Palmer, G.
Palmerston, Viscount
Peel, right hon. Sir R.
Perceval, Colonel
Philips, M.
Pigot, D. R.
Richards, R.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sibthorp, Colonel
Steuart, R.
Thomson, rt. hn. C. P.
Thompson, Alderman
Waddington, H. S.
Wilbraham, G.
Wilmot, Sir J. E.
Wood, G. W.

TELLERS

Inglis, Sir R. H.
Hawes, B.

Order discharged.

HOUSE OF COMMONS,

Wednesday, July 31, 1839.

MINUTES.] Bills. Read a first time:—Rogue Money Assessment (Scotland).—Read a third time:—Highways and Turnpike Roads Returns; Ecclesiastical Districts.

Petitions presented. By Sir R. Peel, from Birmingham, for appointing a Police Commissioner.—By Sir George Clerk, from Glencowe, for Church Extension.

METROPOLITAN POLICE COURTS.] House in Committee upon the Metropolitan Police Courts Bill.

On Clause 13.

Mr. *Law* proposed that it should be altered so as to make the period of the magistrates' sitting each day like that of the Central Criminal Court, from nine to five.

Mr. *F. Maule* objected to make it compulsory upon the magistrates to sit at nine o'clock.

The Committee divided on the original question:—Ayes 40; Noes 8: Majority 32.

Clause agreed to.

On Clause 15, which empowers any one of the magistrates to do alone any act which, by any present law or any future law, not containing an express enactment to the contrary, is or shall be directed to be done by more than one justice.

Mr. *Law* moved that the consideration of the Clause be postponed. It not only affected cases provided for by other parts of this bill, but would extend to cases within the scope of the Metropolis Police Bill, which had been sent up to the other House. Hon. Members on the other side of the House were very eager in their advocacy of what they called the rights of the people, but they were ready, without hesitation, to dispense with trial by jury, and to intrust the power of committing for felony to an officer who was removable at the pleasure of the Crown.

Mr. *F. Maule* said, that the principle involved in the hon. and learned Gentleman's objection would be an argument against several important enactments, now in force, which had been introduced by Sir R. Peel.

Mr. *Law* said, that although he did not presume to put his opinion in competition with that of the right hon Baronet, the Member for Tamworth, upon any subject, yet he was bound to have an opinion of his own. He felt it his duty to state, that the least beneficial portions of the enactments of Sir Robert Peel were, in his opinion, those which related to summary jurisdiction. He would at least guard the exercise of summary jurisdiction by every check in his power. However, seeing the strength of hon. Members on the opposite side of the House, and in that early and inconvenient sitting (the House met at twelve o'clock,) he felt it useless to press his objection to a division.

Clause agreed to.

Clause 19. (Every warrant for the apprehension of any person charged with any offence arising within the Metropolitan District, may be served by the constable or constables to whom the same shall be directed.) It was proposed, after the word "served," to insert the words "or executed out of the Metropolitan District."

Mr. *Law* inquired, if it was really intended to give the power to a single constable of executing a warrant in another district without its being endorsed by the magistrate of that district. [Mr. *F. Maule:* Certainly.] He thought it should be at least necessary for a constable of the district to accompany the metropolitan constable. This clause was, in fact, giving power to a to a public constable, created nominally for the metropolitan district, a run all over England, and the police magistrates jurisdiction all over England, powers much too extensive, and likely to lead to inconvenience, for a strange officer would not be so readily obeyed, or looked upon of so much importance, as the officer of the district in which he was known. By this clause a man might be brought up from Northumberland to a police-office in London upon a charge of assault.

The *Solicitor-General* would modify the clause by the omission of the words "by the constable or constables to whom the same shall be directed," leaving the clause to run thus—"by any constable or other peace officer of the county, city, or place in which the person named in the summons or warrant may be;" the consequence of which would be, that as long as the warrant was in the hands of the constable to whom it was delivered by the police magistrate here, he could execute it in any part of England. But he could not see why the magistrate's warrant should not be good throughout the country without being endorsed.

Mr. *Law* said, that the provisions of the bill, as it now stood, would not merely apply to those who sought to escape justice in really serious cases, but would apply equally to those who were accused of having committed the most trifling assaults. Even under proceedings for the most insignificant penalties—recoverable for dusting a carpet, for example, at any time or in any place forbidden by law—the individual accused would be liable to all the vexatious severity that the bill would go to inflict. A man might be brought from Carlisle to London on the most trifling charge.

The *Solicitor-General* contended, that under many circumstances it might be necessary, and therefore it was not unfair, that individuals should be brought considerable distances in order to advance the ends of justice. Witnesses were frequently brought great distances.

The Committee divided on the question that the words be inserted:—Ayes 36; Noes 17: Majority 19.

List of the Ayes.

Barnard, E. G.	Clay, W.

Clements, Visc.
Dalmeny, Lord
Donkin, Sir R. S.
Ferguson, Sir R. A.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grote, G.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Hutton, R.
Morpeth, Visc.
Norreys, Sir D. J.
O'Connell, J.
Parker, J.
Pigot, D. R.
Rice, rt. hn. T. S.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Seale, Sir J.
Seymour, Lord
Smith, R. V.
Stanley, hon. E. J.
Stanley, hon. W. O.
Steuart, R.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Wood, Sir M.
Wood, G. W.

TELLERS.
Maule, F.
Solicitor General, The

List of the Noes.

Acland, T. D.
Alsager, Captain
Bridgeman, H.
Douglas, Sir C. E.
Duncombe, T,
Eliot, Lord
Euston, Earl of
Irton, S.
Kemhle, H.
Lockhart, A. M.
Parker, R T.
Sheppard, T.
Stock, Dr.
Teignmouth, Lord
Vere, Sir C. B.
Williams, W.
Wood, Colonel T.

TELLERS.
Law, hon. E. C.
Hodgson, R.

Amendment and Clause agreed to.

On Clause 23, which enacts, that magistrates may further issue warrants for the apprehension of any person charged with any offence upon a statement on oath without summons.

Mr. *Law* said he would again divide the Committee against it.

The Committee divided: — Ayes 41 Noes 6: Majority 35.

List of the Noes.

Irton, S.
Lockhart, A. M.
Parker, R. T.
Sheppard, T.
Vere, Sir C. B.
Wood, Colonel T.

TELLERS.
Law, hon. C. E.
Douglas, Sir C. E.

We give the Noes only on the division.

Clause agreed to.

On Clause 26, giving the power of summary jurisdiction over the receivers of stolen goods,

Mr. *Law* said, that this clause would maks a very important change in the law, and objected to proceeding with it in so thin a House.

Mr. *F. Maule* thought this clause the most valuable in the bill. If it were postponed, they could not expect a fuller attendance on any other day. A summary jurisdiction was well calculated to prevent crime by preventing the intercourse of the prisoners in gaol after committal. The duration of the imprisonment which might be inflicted was limited to three mouths, and the magistrates would have the power of committing for trial in cases of a graver description.

Mr. *Law*: What was expected from this clause in abridging the time of imprisonment in cases of petty thieves and others? He might mention that the pickpockets of the metropolis were of two classes—either they were really without means of gaining an honest livelihood, and therefore took to theft as a trade, or they were young persons who were sent out by their parents to pick up as much as possible. These parties ought to be severely punished; and this would best be done, he believed, by means of transportation, for they could hardly be expected ever to do any good in this country. He did not believe that in any case these offenders were brought before a court for their first offence. If the Committee were to affirm the principle of giving discretionary power to magistrates by the former part of this clause, he should propose, that there should be a liberty of appeal from their decision in all cases which involved character and carried infamy along with them; but he would first take the sense of the Committee on the principle. He moved, therefore, to omit the words, "That if any person within the metropolitan district shall steal any chattel, money, or valuable security, or," which would have the effect of limiting the clause to cases of receivers of stolen goods.

Sir *C. Grey* could not vote for the clause without knowing what was to be done with the question of appeal. He thought it would be better to give the right of appeal in all cases. There would be no inconvenience in that course, for no man who was not conscious of innocence, would, after a summary conviction, go before a quarter sessions, where he might incur the risk of an increase of punishment. If a right of appeal were given, he would vote for summary jurisdiction in all cases, but otherwise he could not conscientiously do so. It was well known, that in many instances where parties were tried before one of the judges of Westminster-hall, with all the advantages of a jury, and the aid of counsel, erroneous convictions took place, and the parties had been recalled while undergoing the sentence passed on them.

Amendment negatived.

House resumed. Committee to sit again.

PRIVILEGE—PRINTING PAPERS.] Lord

J. Russell presented a petition from Luke James Hansard, and another, the printers to the House, with respect to a notice they had received in consequence of printing certain reports by the direction of this House. His Lordship read a letter, dated from Fish-street-hill, the 29th of July, 1839, which had been received by the petitioners from an attorney, and which was to the following effect:—

> "That he (the attorney) was instructed to commence an action against them for printing evidence which had been given before the Committee of the House of Lords, relative to the island of New Zealand, and which evidence contained a false, scandalous, and malicious libel on the character of Mr. Polack; and he, therefore, requested to know the name of their attorney, so as to save them trouble in the business. The petitioners stated, that they had printed this evidence in obedience to the orders of this House, and they, therefore, laid before their hon. House a copy of the letter they received, and humbly prayed the instructions of the House on the matter of this petition, and the course they must pursue in defending this action."

He, therefore, moved, that the petition be printed with the Votes, and taken into consideration to-morrow.

Motion agreed to.

Collection of Rates.] Lord *J. Russell* moved the second reading of the Collection of Rates Bill.

Mr. *Hawes* could not give his support to the measure in its present form. He was willing to give the boards of guardians necessary power to enable them to collect rates for the relief of the poor, but it was unfair to furnish them with greater powers over overseers than those which overseers possessed against ratepayers. Equal powers to boards of guardians and to overseers he was ready to concede, but nothing more. In the noble Lord's Bill power was given to boards of guardians to issue distress warrants against refractory overseers. But it should be recollected, that boards of guardians were partly composed of magistrates, and therefore facilities were afforded to proceed against overseers. If the bill were to remain in its present form, he should object to it in *toto*, and it should have his strongest opposition. He should have no objection to consent to the second reading, on the understanding that what he had suggested should have proper consideration in Committee.

Lord *J. Russell*: Sir, the hon. Gentleman does not seem to object to vest sufficient powers in the boards of guardians when necessary to enable them to collect rates for the relief of the poor. The hon. Gentleman knows there is at present a board of guardians so situated, that they cannot obtain from the overseers the money which is absolutely necessary, and they are in this difficulty, that they have imposed upon them by law the duty of providing for the relief of the poor, and yet the law does not furnish them with power to obtain money from the overseers. The hon. Gentleman allows there is a necessity for such a power in particular cases as the bill proposes to give, and, with regard to his suggestions, I am quite ready to consider in Committee whether it be such an amendment of the bill as will not interfere with its working. The hon. Gentleman must, however, see, if a clause were introduced into the bill by which legal questions could be raised—questions which might possibly be postponed for a year or a year and a half before a decision is obtained—that the bill would become totally inefficient as a remedy; for, it must be obvious, that the poor could not wait while the questions were under discussion. Whatever amendments the hon. Gentleman chooses to propose, I hope they will not be such as will destroy the efficiency of the bill, or impair the object for which it is introduced. The boards of guardians are placed in this situation—duties are imposed upon them by an Act of Parliament, but there is no power to enable them to carry the law into effect.

Mr. *Grimsditch* objected to give to boards of guardians the power of issuing warrants of distress against overseers. He objected likewise to the mode in which the collectors were appointed, and as he could neither agree in the principle of the bill nor in its details, he should move that it be read a second time that day three months.

Mr. *T. Duncombe* seconded the amendment. He did not see why this question, as to the collection of the poor-rates, should not be deferred till next year, when the noble Lord had intimated his intention of bringing the whole subject of the Poor-laws under the consideration of the House. He must say also, that he saw no reason why the guardians should have the powers which the bill gave them over the overseers. But there was another objection to the measure. The second clause was abstracted in the margin thus:—"Order for appointing collectors declared valid;" and the clause began, "And be it declared and enacted," as if the Act was a declaratory Act, and the law stood now as it would stand when the Act passed. But the Court of Queen's Bench had decided, that the appointment of a collector was not vested in the guardians, so that the House was called upon to declare that to be law which was not law. Before also the House declared, that all orders issued by the Poor-law Commissioners should be valid, they ought to know what those orders were. He had moved for a return of those orders, which had not yet been furnished, and this was in his mind a sufficient reason why the bill should not now be read a second time.

Mr. *Clay* could not oppose the second reading of the bill, because it did not take the collection of rates from the local authorities. If they threw upon the guardians the burthen of relieving and helping the poor, it was necessary to give them the power of getting the means of doing so. He did not think the bill would be effective in its present state, but he trusted that alterations would be made in Committee.

Mr. *Wakley* said, the bill was so objectionable, that he hoped it would be rejected. The hon. Member for the Tower Hamlets objected to the measure; but, he hoped, that certain amendments would be made. That was the way they were everlastingly going on. When a bill of this kind was once read a second time, it was easily passed through Committee, and became the law of the land. He agreed with his hon. Colleague, in thinking that no bill honestly framed would ever emanate from Somerset-House. The powers of the Poor-law commissioners were enormous, and the present bill was as violent a coercion bill against a certain class of men as was ever framed. This was a bill of pains and penalties against those officers who resisted the introduction of the Poor-law Amendment Act. What pretence was there for introducing a law of this description into parishes in which parishioners were content with the present mode of management? The bill gave the commissioners the most extraordinary powers. In particular, the third clause was most objectionable. It was very specious in appearance, but he would tell the House to ask the Poor-law commissioners what power they would actually acquire by it? In less than three years, by the clause in question, the commissioners would obtain the entire control and collection of the poor-rates. It was declared, too, that all orders from the 6th of May last were to be deemed valid, no matter how illegal or how unconstitutional, or how much against the feelings of the people—all those orders were to have the same force and effect as the laws of the realm. It was a most extraordinary proposition to make to a deliberative assembly, and yet it had been made by the noble Lord in his bill. As the noble Lord had promised to introduce a poor-law measure next Session, the present bill ought to be deferred to that period. It was, in his judgment, dangerous to legislate on the subject of the Poor-laws when the feelings of the people were at the present moment so strongly excited. He should strongly oppose the bill.

Mr. *G. Palmer* believed that the guardians in one or two parishes were under the direction of the Poor-law Commissioners and had acted upon their orders. The bill was intended to cover this illegality and was the reason why the clause was introduced, making all orders valid from the 6th of May. So much objectionable power was given to the commissioners by the Bill, that he should give it his most strenuous opposition.

Mr. *Hume* thought it would be unwise to proceed with this measure when a general measure was to be introduced next year to remedy those evils which were complained of in the working of the Poor-laws. This bill appeared to him to take from the parish officers the collection and control of the rates, and to make a further step towards the destruction of local government, and he must say that the House ought to have some better reason than had yet been stated in favour of it, before adopting it. He did entreat the House not to proceed with this measure, for it could not fail to give great dissatisfaction. The powers which the bill conferred were most extensive, and in his opinion most unwise. They were called upon to give the rules which had been laid down by the commissioners the power of laws, while the House had no knowledge of what those rules were. The Commons could not make a law without the consent of the other House of Parliament, but it was proposed by this bill to give the orders which had been issued by the Poor-law Commissioners, no matter what they were, the force of laws. That was certainly a most objectionable course, and he should give the bill every opposition. The subject of the Poor-laws would next year come under the consideration of the House, and the evil which this measure proposed to remedy was not so great as to make it desirable to legislate partially at the present moment.

Sir *R. Peel* said it might be necessary when the bill was in committee to consider what checks were necessary on the powers which the bill conferred, but the question which the House had then to consider was, whether a case had not been made out requiring some legislation. And if there were overseers who, with the view of preventing the introduction or operation of the Poor-law Amendment Act, refused to collect the rates, he would on that ground alone vote for the second reading of the bill, in order that they might have an opportunity of considering in committee what steps should be taken to secure the impartial collection of the rates for the relief of the poor. Now, it was his impression that such was the object of the bill, and he thought that the House was bound to see that the Poor-law Act was fairly carried into operation, and that no persons should be allowed to avail themselves of the state of the law to prevent its introduction. Hon. Gentlemen opposite had become extremely sensitive and alarmed on the subject of the Poor-laws. He had supported the Poor-law Amendment Act, and while all was going smoothly hon. Gentlemen opposite had also supported the measure, and it was then loudly vaunted that the country owed the measure to the Liberal party. But the measure had been much complained of, and those who had once supported it appeared now disposed to divest themselves of all responsibility, and to condemn the whole system which it had established. On the hustings he himself had been complimented on having taken no part in the enactment of the Poor Law Amendment Act, but he had expressly stated to his constituents that he had supported the measure; and, although, he had not denied that there were individual cases of hardship, he had supported the bill, not because he thought it would be productive of advantage to the landed interest, but because he hoped, and sincerely believed, that its effect would ultimately be to elevate permanently the character of the labourer, and secure a fair remuneration for his industry. He must say that he would not consent to reject this bill on the second reading, when its object was to insure the fair collection of the rates, and prevent parties opposed to the Poor-laws from taking advantage of the state of the law to defeat their operation, and make their introduction partial.

Mr. *Ewart* said, that the principle which had been laid down by Lord Althorp relative to the Poor-laws was, that the collection of rates should be vested in the guardians, and that the administrative authority should rest with the commissioners. The local authorities were still to be acknowledged. He very much regretted that the commissioners should have devolved some of their authority on the subordinates, for to that circumstance many of the evils which were complained of were to be attributed. This bill was certainly an improvement on the one which had been originally introduced, and he did not feel himself justified at present in opposing it altogether.

Sir *J. Graham* said, it was his intention to vote for the second reading of the bill, but he did not mean to say that he would support the whole of the details of the measure when they came to be considered in committee. It was true that when Lord Althorp introduced the Poor-law Amendment Act, he stated that it was desirable that the local authorities should have the collection of the rates. He had some experience in the operation of the Poor-laws, and he could state that the rules made by the commissioners, to which the second clause of the bill applied, had been generally framed in consequence of representations made by the guardians, and with a view to give a greater facility to the working of the Poor-law Amendment Act. In rural districts the unions were composed of several parishes or townships, and in each of those there were officers for the collection of rates. But the duties of those officers were performed gratuitously, and they were so obnoxious, that it was with difficulty any person could be induced to undertake them. The consequence was, that they were ill and negligently performed, and with the greatest detriment to the rates and rate-payers. This state of things had led to the suggestion that paid officers would have greater facility in the collection of the rates, and be more likely to secure impartiality and fairness. Applications had in consequence been made to the commissioners, and he could assure the House that the orders to which the second clause related had been generally made at the earnest request of the guardians, and they had given great satisfaction to the rate-payers. The second clause was merely declaratory, and had been rendered necessary by the practice he had described. It simply declared that to be law which had generally been acted upon, and so convinced was he of the advantages which had resulted from those orders, that he could have no hesitation in voting for the second reading of the bill. If the hon. Member for Kilkenny was sincere in his wish to see the Poor-law Amendment Act in general operation, that wish he could assure the hon. Member would be very likely to be frustrated if this bill were not passed. He fully agreed with what had fallen from his right hon. Friend near him; and he was resolved to give the Poor-law Amendment Act a fair trial, and while he would not consent to anything likely to be injurious to the poor, he would support all subsidiary acts which might be considered necessary for the success of that great experiment.

Lord *Worsley* said, his constituents thought this measure necessary, and he should give it his support. He was happy to hear what had fallen from the right hon. Baronet the Member for Tamworth, and he regretted that he did not use his influence to induce some of his party to follow the course which he himself pursued.

Mr. *J. Fielden* objected to this bill, because it took from the rate-payers the control of the rates. He should support the amendment, and he hoped that if the bill were carried it would be kicked out of the other House.

Sir *T. Fremantle* said, that whatever doubt there might have been of the expediency of introducing this bill, there appeared, after the discussion which had arisen, an absolute necessity for passing it; because it seemed that there existed an uncertainty as to the power of the overseers to obey the guardians and levy a rate. If there were no such power, the whole machinery of the Poor-law Relief Bill would be disarranged. It was the interest of the rate-payers that the guardians should have the money in hand without delay, in order that they might be enabled to purchase in the best market. He thought it desirable that an alteration should be made in the first clause, giving the power of summoning previous to issuing a writ of distress.

Mr. *Hindley* said, it was the wish of the Poor-law Commissioners, and of the guardians, that the present bill should pass; but he had never heard that such was the desire of the rate-payers. The right hon. Baronet the Member for Tamworth, had intimated that some of those persons who had voted for the Poor-law seemed now to be undecided in their support of that measure. He hoped this was the case with many. He did not wish to return to the former bad system; but he trusted that all those provisions would be expunged from the new law which justly excited the indignation of the people.

Lord *J. Russell* thought the guardians had a perfect right to call on this House to pass the bill. In Lambeth, for instance, the guardians, feeling that they were bound by law to support the poor, found themselves resisted by the overseers, and an announcement had been made, he understood, that the overseers themselves would distribute the poor relief fund. He did not conceive that the House would impose duties on the guardians, and refuse them the means of discharging them.

The House divided on the original question:—Ayes 88; Noes 29: Majority 59.

List of the Ayes.

Alsager, Captain
Baker, E.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. H.
Bernal, R.
Blackburne, I.
Blair, J.
Bowes, J.
Broadley, H.
Bryan, G.
Buller, C.
Burrell, Sir C.
Callagan, D.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Cooper, E. J.
Crawford, W.
Cripps, J.
Dalmeny, Lord
Darlington, Earl of
Divett, E.
Donkin, Sir R. S.
Eliot, Lord
Elliot, hon. J. E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, J. W.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, R.
Graham, rt. hn. Sir J.
Greenaway, C.
Grey, rt. hon. Sir G.
Hale, R. B
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hoskins, K.
Howick, Viscount.
Kinnaird, hon. A. F.
Lockhart, A. M.
Lowther, Viscount.
Lowther, J. H.
Mildmay, P. St. John
Morpeth, Viscount.
Morris, D.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, J.
Peel, rt. hon. Sir R.
Perceval, Colonel
Philips, M.
Pigot, D. R.
Price, Sir R.
Reid, Sir J. R.
Rice, rt. hn. T. S.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Sheil, R. L.
Smith, R. V.
Somerville, Sir W.
Stanley, hon. W. O.
Stock, Dr.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Waddington, H. S.
Wilbraham, G.
Wilshere, W.
Wood, C.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLEES.

Stanley, E. J.
Maule, hon. F.

List of the NOES.

Attwood, T.
Broadwood, H.
Brotherton, J.
Duncombe, T.
Fielden, J.
Finch, F.
Gaskell, J. M.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Hodgson, F.
Hume, J.
Humphery, J.
Ingestre, Viscount.
Irton, S.
Johnson, General
Leader, J. T.
Lowther, hon. Col.
Lushington, C.
Lygon, hon. General
Monypenny, T. G.
O'Connell, J.
Palmer, G.
Parker, R. T.
Richards, R.
Turner, W.
Vigors, N. A.
Williams, W.
Wood, Col. T.

TELLERS.
Grimsditch, T.
Wakley, T.

Bill to be committed.

METROPOLIS POLICE COURTS.] House again in a Committee on the Metropolitan Police Courts Bill.

On clause 26,

> "If any person within the Metropolitan district shall feloniously steal any chattel, money, or valuable security, or receive any chattel, money, or valuable security, knowing the same to have been feloniously stolen, and if it shall appear to the magistrate before whom he shall be charged, that the offence has been committed without any circumstances of aggravation, such offender may be summarily convicted by the magistrate, and shall be liable to a penalty not exceeding 5*l.* beyond the value of the article stolen."

Captain *T. Wood* wished to define more precisely the class of offences which the magistrates were to be authorized to punish summarily.

Sir *T. Fremantle* concurred in the necessity of limiting the power of summary jurisdiction in cases of larceny. This frequent adoption of summary jurisdiction went, as he thought, to the abolition of trial by jury.

Mr. *W. Williams* protested against the clause as an infringement upon trial by jury, and called upon the House to adopt a suggestion of the right hon. Gentleman the Member for Pembroke, to give the right of appeal in all cases of conviction for felony by the magistrates.

The House divided on the original motion: Ayes 36; Noes 14—Majority 22.

List of the AYES.

Adam, Admiral
Baring, F. T.
Barnard, E. G.
Berkeley, hon. C.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Clay, W.
Craig, W. G.
Dalmeny, Lord
Ferguson, Sir R. A.
Finch, F.
Greenaway, C.
Grey, right hn. Sir G.
Grote, G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hutt, W.
Hutton, R.
Kemble, H.
Morris, D.
O'Connell, D.
O'Ferrall, R. M.
Pigot, D. R.
Price, Sir R.
Rolfe, Sir R. M.
Rutherfurd, rt. hn. A.
Scholefield, J.
Stock, Dr.
Teignmouth, Lord
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Wood, C.
Wood, G. W.

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Blair, J.
Bridgeman, H.
Gaskell, J. M.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hector, C. J.
Hodges, T. L.
Hodgson, R.
Johnson, General
Lockhart, A. M.
Lowther, J. H.
Monypenny, T. G.
Sheppard, T.
Williams, W.

TELLERS.
Fremantle, Sir T.
Wood, Colonel T.

On clause 37, giving the magistrates power to lessen the share of informers in the penalties imposed, being moved,

Mr. Kemble objected to the clause, thinking that the informers should be allowed to retain the share now awarded to them.

The House divided on the clause: Ayes 32; Noes 14: Majority 18.

Clause agreed to.

Other clauses agreed to.

The House resumed. Report to be received.

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HOUSE OF LORDS,

Thursday, August 1, 1839.

MINUTES.] Bills. Read a first time:—Payment of Debts out of Real Estate Amendment.—Read a second time:—Unlawful Oaths (Ireland).—Read a third time:—Sheriffs Exemption; and Letters Patent Act Amendment.

Petitions presented. By the Duke of Argyle, from Paper dealers of Edinburgh, against part of the Postage Bill.—By the Earl of Clarendon, from Manchester, and Wolverhampton, in favour of the Postage Bill.—By Lord Wharncliffe, from York, in favour of the Inland Warehousing Bill.—By Lord Redesdale, from the Guardians of Penrith, for an Alteration in the Poor-law.—By the Earl of Roden, from Drogheda, and the Guild of St. Mary's, Dublin, against the Municipal Bill for Ireland.—By the Archbishop of Canterbury, from Edinburgh, against the Ministerial plan of Education.

CHINA—OPIUM TRADE.] Lord *Ellenborough* wished to put a question to the noble Viscount opposite, but, as he intended to make some remarks on the subject to which it referred, he should conclude with a motion. He wanted to draw the attention of her Majesty's Government to the information lately received from China. The case, as he understood it, was this: The Chinese government determined at length to put an end altogether to the illicit trade in opium, and dispatched a commissioner with full powers for that purpose to Canton. On the arrival of the commissioner, he intimated to the British merchants that, with regard to the past, the Chinese government would not insist on prosecuting any one for anything he might have done against the law. But they desired for the future that the trade in opium should cease. They required an engagement from all British merchants that they would have nothing to do in future with that trade; they required further an immediate delivery to the Chinese government of all the opium then in the possession of British merchants on the waters of China. They enforced this demand by forming a cordon round the British factories, and preventing the introduction of provisions. The British superintendent then went to Canton, and placed himself in the same circumstance of peril with the British merchants, but his arrival had not the effect of making any alteration in their condition. On the contrary, the blockade was yet more strictly enforced, and ultimately Captain Elliot, the superintendent, felt himself obliged, or imagined he was obliged, to request that the British merchants should deliver to him all the opium in their possession, for the purpose of being delivered by him to the Chinese government, he undertaking, on the part of the British Government, that all those merchants should be by the British Government idemnified. The quantity of opium so delivered, or agreed to be delivered, amounted to 20,000 chests. He (Lord Ellenborough) understood that the value was estimated—the estimate being by no means sufficient—at more than two millions sterling. Now, it would be a subject undoubtedly for serious consideration with her Majesty's Government, when they were acquainted with all the circumstances of the case, how far it might be incumbent on them to sanction the proceedings of Captain Elliot. Until that gentleman's case was fully before the public, it would be improper to form an opinion upon it. But he (Lord Ellenborough) must lay this down as a general principle, that any person, in a civil situation, who is called upon to perform civil duties in the public service, is under as solemn an obligation to disregard every feeling for his own personal safety as any man in the military service. That which would not be justifiable in a military man would not be justifiable in one holding a civil situation, when he undertook to act for the public. But in what a position were we now practically placed by what had occurred? Whatever might be the conduct of her Majesty's Government, or whatever might be the success of any negociation or intervention with a view of obtaining compensation for these losses from the Chinese government, he thought it was impossible not to come to this conclusion, that the trade in opium was practically at an end. Now the revenue of India derived considerably more than a million sterling a year from the monopoly of that trade — he believed that the amount was 1,200,000*l.* a year, and he apprehended, that from 800,000*l.* to 900,000*l.* was derived from the export of opium to the Chinese territories. The export of opium to China formed fully more than one-half of the whole export. That export was the equivalent which this country gave to the Chinese empire for tea. Consider in what position the reveuue of England would be placed by any great change in the tea trade. If a smaller quantity of tea should be imported, the revenue must suffer. But in case of the cessation of the opium trade, the same quantity of tea must be had at a great additional expense, and, therefore, tea would become much dearer. With respect to the opium trade, however, it would be very difficult for any man to say one word against the grounds on which the Chinese government insist on its discontinuance. That government declared that it was contrary to its duty to permit this trade, which had been carried on to such an extent, and which was destroying the morals and health of the people. He (Lord Ellenborough) really did not know what answer could be given by the British Government to the allegations of the somewhat long but sensible and able statement of the Chinese commissioners on that subject. Under these circumstances, and considering the great importance of anything affecting our financial condition, at a time when Parliament was considering the propriety of taking off a tax which would for some time diminish the revenue, he desired to ask the noble Viscount whether he could lay on the table of the House any despatch which he might have received from the superintendent, giving an account of those transactions. In order to make his observation regular, he would beg to move for the production of any new despatch.

Viscount *Melbourne* said, that no despatch had been received. The facts might be as the noble Lord stated, but her Majesty's Government had received no account of them whatever. Therefore he should not make any observations on the subject until the Government was in possession of full information.

Lord *Ellenborough* had taken the account from the newspaper, but there could be no reasonable doubt of its accuracy.

Subject dropped,

Police of the Metropolis.] The Earl of *Shaftesbury* reported to the House the Metropolis Police Bill, with amendments.

Lord *Ellenborough* adverted to the clause, prohibiting the use of dogs as beasts of burden, and drew the attention of the House to a statement he had received from a poor man on that subject. The individual stated, that he performed a journey of fourteen miles per day, and by the aid of his dog and cart, earned about 18*s.* a-week, with which he supported his wife and family. If he was deprived of the use of his dog, he must, in order to carry on his trade, substitute an ass, which would lead to an expense of tolls in his journies, amounting to 5*s.* 6*d.* per week, and thus would reduce his means of support. He had not the least doubt that this was not a solitary case, and it was for the House to say whether it would assent to the clause in its present form, which would deprive all those persons of their sole means of support. He proposed, therefore, to modify the clause by inserting after the words " barrow, truck, or cart," the words " wherein any person shall be carried."

Lord *Brougham* could not agree in the view taken of this subject by his noble Friend. He must call the attention of the House to the very great cruelty there was in using for the purposes of draught, an animal which was not framed for that purpose. The dog was framed for totally different functions; not one of his limbs or muscles was framed for the purposes of draught. Nothing could be more shocking or disgusting than to see, in the villages, the practice of great heavy men being drawn by dogs. Indeed, he had seen himself near the place wherein their Lordships were assembled — namely, in Abingdon-street — a large cart full of crockery and all sorts of articles, drawn by small dogs, who could scarcely get on. He had been informed by medical men, that that most lamentable of all diseases, hydrophobia, had greatly increased of late years, and they had no hesitation whatever in ascribing that to the mode of exhausting the strength, and tormenting the physical powers of dogs by their employment as animals of draught. The persons who employed these dogs for such purposes could not suffer much, for they might get another animal which would answer their purposes as well, and which was not dearer in price than two or three dogs—he meant a jackass.

The Earl of *Wicklow* said, the evil on which the noble Lord opposite had dwelt, had but recently commenced, and if their Loadships allowed it to go on, they would find it difficult to deal with it in an effectual manner hereafter. The subject had been very fully considered elsewhere, and he did not think it a hard task for their Lordships to come to a decision upon it. He believed that no man of humanity could walk the streets of the metropolis without being shocked at the scenes of cruelty which were daily exhibited in them. He opposed the amendment as not going far enough.

Lord *Ellenborough* said, that after what he had heard from noble Lords, he would not press his amendment. He had received several letters from Gentlemen. complaining of particular nuisances which existed in their particular neighbourhoods; but he thought, that if their Lordships were to commence a legislation upon matters of that sort, there would be be no end to it. The suppression of many of the things complained of would be very injurious to some poor people, and, indeed, the House would only fall into disrespect by attempting a crusade of the kind.

The Bishop of *London* begged leave, before the report was agreed to, to call the attention of her Majesty's Government, and their Lordships generally, to a very important subject, connected, he thought, with the police regulations of the metropolis. A very important and interesting document was appended to the last report of the Poor-law Commissioners, being the report of the physician to the London Fever Hospital, on the prevalence of fever in the metropolis, and which contained facts deserving of the most serious consideration. He hardly knew under what department this matter should be ranged—whether under the business of the Commissioners of Woods and Forests, or the authorities of the Home-office; but it was clear, that the demoralized condition of those parts of the metropolis where poverty, filth and disease prevailed, went hand-in-hand with a sort of reciprocal accumulation. In fact, the prevalence of crime was, in a great measure, owing to the state of misery, squalidness, and disease, which many parts of the metropolis were in. The filthy state of those districts was alike prejudicial to public health and public morals. The report to which he had alluded, recommended the construction of underground sewers, with effectual surface-drainage into them. Much might be done to abate the evil by the active and systematic exertions of the police, by preventing the inhabitants of those districts from piling up heaps of filth, and leaving them to contaminate the air and generate disease; but more might be effected by pressing upon the commissioners of sewers the necessity of providing a more effectual remedy in the better and more general construction of sewers. In those low and crowded parts of the metropolis to which he more particularly referred, disease prevailed to an extent of which their Lordships had no idea; and he earnestly recommended to their perusal and attention the report in question. Perhaps, the principal means by which a change for the better was to be effected, was the pulling down of those close, crowded, and filthy courts and alleys, which were the greatest obstacles to a free circulation of air, and the promotion of cleanliness among the people. Among all the great exertions which had been made to improve the metropolis, in widening the streets in order to facilitate the purposes of trade and traffic, those poorer parts of the metropolis had been too much neglected, which were at once the nurseries of disease, vice, and crime; and as long as they were suffered to continue in their present condition, from which they would never be rescued by their individual proprietors or landlords, so long every effort of the police, however wisely organized or energetically directed, would be inefficient in checking and suppressing either physical suffering, or moral degradation. He thought they did not, in their proceedings, pay sufficient attention to the moral and physical comforts of the poor, and unless efforts were made to improve their condition, both physically and morally, a diminution of disease or crime was scarcely to be expected. He hoped he was not stepping beyond the line of his duty, considering the situation he occupied, in calling the attention of her Majesty's Government, and their Lordships, to this subject.

Viscount *Duncannon* said, attention should be paid to the suggestions of the right rev. Prelate.

The Earl of *Haddington* inquired whether this bill really gave power to the police to put a stop to the trifling exhibitions which were sometimes to be witnessed in the streets, particularly the never-to-be-fogotten and most celebrated show of Punch? He did not conceive that there was anything dangerous in such exhibitions, and if the police were to have power to interfere with or stop them, he would be no consenting party to that regulation.

Viscount *Duncannon* was afraid that by the clauses of the bill, it might probably be in the power of the police to interfere with those exhibitions, but he thought the magistrates would take care that it was not improperly exercised.

Report agreed to.

PORTUGUESE SLAVE TRADE.] The Earl of *Minto* rose to move the second reading of the Slave Trade (Portugal) Bill. He believed he said, their Lordships were anxious to co-operate with the Government in suppressing the slave trade; the general voice of the country and of the civilized world demanded that some decisive steps should be taken to extinguish that abominable traffic. It was too much to be endured that the efforts of this country in the cause of humanity should be frustrated by either surreptitious or daring practices of a single nation. He would state as shortly as possible the present state of the law relative to the slave trade, and the treaties which existed between Great Britain and Portugal in regard to this subject. The most important treaty was that of 1815. By that treaty the slave trade was declared illegal, and Portugal engaged to bring about its entire abolition, and in the mean time that she would not suffer the Portuguese flag to be employed in that traffic, except for the purpose of furnishing slaves for her own transatlantic possessions. In consideration of the concession thus made, Great Britain agreed to remit the balance of a debt due by Portugal to this country of the amount of 600,000*l.* That was the price paid by this country to Portugal for her consent to, and co-operation in, the abolition of the slave trade. In consequence of the engagements thus entered into by Portugal, Great Britain also engaged not to disturb vessels employed in supplying slaves to the transatlantic possessions of Portugal, and Portugal agreed that she would not allow her flag to be used for the purpose of continuing the slave traffic beyond supplying her own possessions. Such were the principal provisions of the treaty by which Great Britain had a right to call on Portugal to aid in putting an end to the slave trade; but as yet England had got no more than the acknowledgment that that atrade was to be abolished. In 1817, an additional convention was entered into defining still more strictly the limits to which the slave trade to the Brazils was to be allowed. That convention also defined the form of the license and passport for the ships employed, without which the trade was declared by Portugal to be illegal; and the Portuguese Government further engaged within two months from the date of the treaty to pass a law declaring the traffic in slaves illegal, and subjecting persons who engaged in that traffic to punishment. It was further stipulated that Portugal should within a limited time treat with Great Britain for the final abolition of the slave trade, and assimilate its legislation on the subject to that of Great Britain. There was a separate article under which Portugal, on the ground of an expression contained in it, resisted the claims of Great Britain, but he could not admit that there was anything in the treaty justifying that resistance. When Portugal ceased to hold the Brazils in point of fact, by the terms of the engagements into which she had entered with this country, the slave trade ought to have been abolished in Portuguese vessels for she had no other transatlantic possessions to which the terms of the treaty would apply. There was no part of the world, when she ceased to hold possession of the Brazils, to which she could carry slaves without a manifest breach of faith. He had thus stated the nature of the treaties into which this country had entered with Portugal. Unfortunately, however, for a considerable time past, notwithstanding those engagements, the slave trade had been almost entirely carried on under the flags of Portugal and Spain, and more particularly under the flag of Spain. Spain, had indeed at length, he thought he might venture to say, extinguished the slave trade which had so long been carried on under the protection of the Spanish flag. The treaty which we had made with Spain gave us a very great advantage; it gave us the power of seizing vessels equipped for the slave-trade without waiting till they had taken on board their miserable cargo, and this would have the effect of thoroughly extinguishing it. It was therefore thought extremely desirable that we should obtain similar conditions from Portugal, and he was bound to say that it was not the Portuguese people who resisted the abolition of the slave trade, but the powerful and influential parties who were interested in the maintenance of a contraband and illegal traffic. He was sorry to say, that the violation of the treaty had been continually carried on with the sanction of the Portuguese Government. Complaints after complaints had been received from the officers of this country against the manner in which the Portuguese Government had favoured the slave trade, even after it had declared its total abolition. He would not trouble their Lordships by entering into details, but he thought that he ought not to make such a charge as this without referring to some particular instances of misconduct on the part of the Portuguese Government. He might mention the case of the Leveret, of which lieutenant Bosanquet was the commander, and which was stationed off the eastern coast of Africa. Shortly before his arrival, a British ship had been boarded, and its crew murdered, by a piratical vessel which was supposed, on pretty good grounds, to have taken refuge in Mozambique. The lieutenant accordingly went down to Mozambique, for the purpose of getting the pirates prosecuted and punished. On his way thither he fell in with a strange vessel which, his own ship being a bad sailer, outsailed him, and he was obliged to send his boats after her. The slaver, for such it was, resisted the boats, killed one of his men, wounded one or two others, and beat them off. The lieutenant, thus baffled, went down to Mozambique to execute his first errand, but he found the Portuguese authorities there perfectly deaf to his remonstrances, and he went away. Some time after, when he returned to Mozambique, he found the vessel there which had attacked his boats, and he took possession of her, it was admitted, irregularly. His excuse was, that he knew that Mozambique was practically in the possession of the slavers; and if he had given notice of his intention to the Portuguese authorities, the papers and crew would have been removed. However, they fired on the ship, and, after some negociations, he was compelled at last to give up the vessel, and to leave the port. The Portuguese Government had remonstrated with this country upon the seizure made by lieutenant Bosanquet, and, while it was admitted, that the seizure was irregular, and that thus far an apology was due to the Portuguese Government, this country had strongly protested against the protection given by the authorities at Mozambique to the slave dealers. Lieutenant Bosanquet was still left on that station, and, as he knew that there were a good many vessels in the harbour, he kept with his own ship four or five miles off the coast, and as fast as the vessels came out, he boarded them, and took good care that they were disabled from pursuing their iniquitous traffic. Would it be believed that the authorities at Mozambique protested against his lying in front of their port, against his blockading it, as they said, in order to interrupt the trade of Portugal vessels? It was impossible to commit a more barefaced violation of the treaty than this. Here was a complaint against an officer who had strictly kept within the line of his duty, because he interfered for the purpose of putting a stop to a trade which they were bound by their own engagements and their own laws to put down of their own accord. Again, the Portuguese government determined to send out a new governor to the island of St. Thomas; and how did their Lordships think he was sent out? Why, in a ship equipped as a slaver. On another occasion a slaver was seized by one of our cruisers, and carried to Rio Janeiro, but the courts refused to condemn the vessel, on the ground that the ship and crew were both Portuguese. The British Minister accordingly applied to the Portuguese consul to punish the men for their violation of the laws of Portugal, but this the consul refused to do. The ship was accordingly taken to Sierra Leone, where she was condemned by the mixed commission court. Against this proceeding the Portuguese Government also protested. He would remind their Lordships, as this was one of the objects for which the bill would provide, that a mixed commission court could only adjudicate in those cases in which the national character of the vessel was clearly established and it was proved to belong to one of the parties of which the commission court was constituted. We had been now nearly four years endeavouring to negociate the accomplishment of that which had been contracted for and engaged for between the two countries. Portugal had made use of all sorts of evasive demands. In the first place, she had required from England a guarantee of her African possessions, on the ground that the execution of her engagements would necessarily endanger those possessions. This demand was refused, but we had declared that in the case of disturbances arising we were ready to offer her any reasonable aid and assistance, anything, in fact, short of a guarantee. Portugal then further demanded, that she should have the disposal of the negroes who were captured. This demand was also refused on the part of the Government. The third condition was, that this treaty should have a very brief existence, say eight or ten years. This also was refused. He had stated as clearly as he could what the state of the law was, what were our engagements relative to Portugal, the manner in which they had been violated, by that country, and the total impossibility there was of putting an end to the slave-trade as long as the Portuguese flag was suffered to cover it. It was true a considerable number of slavers had been taken carrying the flag of the United States, and under the colours of Russia. But in the United States we were sure of a true and honest administration of the law. It was true, however, that in spite of all the discountenance of the United States, and of all the exertions of this country, the flag of the United States would afford an inconvenient degree of facility to the slave trade. He believed that the United States were in as great a haste as could be desired to relieve themselves from the reproach of having their flag used as a cover for the slave trade; and the Russian Government had always said, " do what you please with any ship using the Russian flag for the purpose of carrying on this traffic." Some little matters remained yet to be arranged between the Russian and the British Government; but it was well known that in a short time a satisfactory treaty would be concluded with the former power. It was said, that other measures, besides those provided in this bill, would be required to be taken on the continent of Africa. Such might be the case, but still he thought the present bill a necessary preliminary to any greater undertaking of the sort. He therefore hoped that their Lordships would pass the bill, which had been introduced in redemption of the pledge given by the Government last session, and which was absolutely necessary for the extinction of the slave trade. He moved the second reading of the bill.

The Duke of *Wellington* was well convinced of the evils of the slave-trade; and he agreed with the noble Earl in the description of the horrors perpetrated on board the slave-ships. He had seen several accounts stating that recently there had been a great increase in this trade, and he believed that there could be no doubt of this. He believed, however, that the evils of that trade had been greatly exaggerated, in consequence of the course taken by this country; and he, therefore, thought that it was incumbent on England to do all in her power to put a stop to it. Up to the period when he was last in her Majesty's service, Portugal had done nothing towards effectually putting an end to the slave-trade carried on under the Portuguese flag. On the contrary, every one who had at all attended to this subject, must admit that Portugal must be held to be fully and fairly under an engagement to take measures effectually to put down that trade. That he asserted broadly: whether by the treaty of 1810, or of 1815, or of 1817, or by engagements contracted by all these treaties, it was certain that the object of all those treaties was to arrive at the total suppression of that trade, and this country had a full right to call upon Portugal to carry the engagement she had entered into effectually into execution. The noble Earl had adverted to the many difficulties that had stood in the way of the fulfilment of that engagement, and he had observed that it was not so much that the people of Portugal were not disposed to fulfil the treaties, as that persons in a higher station stood in the way. He was sorry to say that this had probably been the case in other countries a little more advanced in civilisation; there was indeed no subject on which it was so difficult to negotiate as this. But it should be remembered on behalf of Portugal that from the year 1817 up to a very recent period that country had been, as regarded its government, nearly in a constant state of revolution. There had even been another of these revolutions since he was last in office in 1834. For upwards of twenty years, therefore, and in fact until within the last eighteen months, Portugal had not had a Government so situated as to have the necessary power to put down the slave-trade carried on under the flag of that country. The noble Earl had adverted to a variety of considerations with regard to the treaties on this subject between this country and Portugal, and among others he had referred to the mixed commission at Sierra Leone. It appeared, however, that there was no Portuguese commissioner on that mixed commission. [The Earl of *Minto*: Portugal might have had a commissioner there if she had thought fit.] The effect of all that had fallen from the noble Earl was to show that this country had the right to insist upon Portugal performing the treaty entered into by her with this country—that she was bound to take effectual measures for putting down the slave-trade—and also to satisfy this country that those measures had been really and bona fide taken, and that every means had been used to carry them into execution. But the measures necessary to be resorted to by this country for the purpose of so enforcing the provisions of the various treaties were measures for the executive to take—they were measures which ought to emanate from her Majesty's Government; they ought not to be brought about by an act of the Parliament. They were measures, to enforce compliance with which by the Portuguese Government her Majesty might if she pleased proceed to extremities; and, without its being necessary for him to enter into the question whether she would be justified in adopting such measures, he had no hesitation in declaring his opinion that the constitutional course would be much more fair, more just, and more consistent—more in accordance with the invariable practice of the country, and would tend much more certainly to moderation and a pacific conclusion, than the course now proposed—that of proceeding under an act of Parliament. This was his opinion, and he would state the reasons why he entertained it. If, in reference to the present question, her Majesty had adopted the course pointed out by the constitution and sanctioned by the constant practice of former years, there would of course have been previous negotiations—a *projet* of arrangement—an answer to that *projet*—or some other communications in a diplomatic form; and upon the reasonableness or unreasonableness of the demands on the one hand, or the refusals on the other, her Majesty's Government might fairly and justly decide and proceed to extremities, should their policy and their views lead them so to do. But what would be the result of those proceedings? Why, that the world would have the whole case before them, and every man would be able to judge whether her Majesty's Government or the Portuguese Government were in the right, and her Majesty's Government might be justified in proceeding to extremities upon those statements. At the same time this country, the Portuguese Government, and the world, would know by what amount of concession on either side an end might be put to the existing state of things, and either party could, by that concession, put an end to the dispute. Such was the advantage that would result from adhering to the old constitutional mode—of the Government taking on itself to enforce treaties made with foreign powers, without coming to Parliament for such a measure as this? What would be the consequence of passing the bill? By it this country must either stand or fall. We could not recede from our law: the Portuguese, on the other hand, would not submit to our law. The inevitable consequence must be a quarrel to the death with our ancient ally, because Ministers chose to proceed by this irregular mode instead of by the old constitutional mode. Not only was the course he recommended the most proper, but it was also most likely to lead to the result desired by this country, without incurring the scandal of a war with our ancient ally; and it was in reality the most just. The recitals of treaties in the preamble of the bill gave merely one side of the case. Before they could take the preamble as presenting a true statement of the whole case, and one on which they could rely in coming to their judgment, they ought to hear what could be said on the other side. They were called upon to condemn Portugal for a criminal breach of treaties, by agreeing to a bill the preamble of which recited the accusation only. If they agreed to do so, they would be refusing to one of the powers of Europe what was invariably afforded to every subject of this realm. They should surely be as cautious with one of the European powers as they would be with one of her Majesty's subjects. The additional article of the treaty of 1817 itself, to which the noble Earl had referred, showed that there was something more in the treaty than was stated in the preamble of this bill; for it stated, that if the trade were abolished then, that affairs between the two nations were to remain on the footing laid down by the treaty of 1817 for fifteen years after such abolition. He repeated that the House ought not to proceed to legislate upon the mere statements contained in the preamble to the bill. There had lately been, it appeared, a negotiation between our Government and that of Portugal on this subject. There had been a *projet*, and a *contre-projet*, an offer on the part of Portugal to put down this trade altogether, provided she were protected from certain contingencies specified. With the fact of such a negotiation having been going on known to them, would their Lordships proceed to pass this bill without having first taken cognizance of that *projet* on the part of Portugal? Would it be fair in the Parliament of this country to pass this bill without being acquainted with every tittle of what had passed between the two Governments on the subject? If the old constitutional course were adopted—if her Majesty were to send a message down to Parliament, that she thought it proper that hostilities should be commenced against Portugal because Portugal had neglected to carry into execution her engagements, the whole of the matters in question—every part of the negotiation—would be laid before the House, and well considered before they were called upon for any decision, they would in that case know how matters stood—they would have before them the whole policy of the measure about to be adopted for effectually putting down the slave trade. With these opinions as to the principle of the bill he would not enter into the details, because it appeared to him that they meant but one thing—war with Portugal to attain a particular object. War was all very well when directed by the executive, not by the Legislature. When, a few evenings since, a noble Friend of his stated the inconveniences, the evils, the irregularities of another power making war, and establishing blockades, commencing a partial war, in fact, for the purpose of obtaining commercial advantages, he was very sorry to hear, that this country had afforded an example of that kind in the case of the port of Nova Cartagena—an aggression upon what was called the republic of Central America. He was satisfied that this bill would, if passed give rise to another instance of that mode of proceeding, but with this addition, that it would be adopted by the Legislature, instead of its being, as in the case referred to, an act on the part of the Sovereign alone, by means of the naval force of the country. That the Legislature should sanction such a course would naturally give rise to jealousy and dismay. But was the House aware of the extent to which this bill went? There was one of its provisions which the noble Earl had not dwelt upon, but it was one of very great importance, and one which he believed went much further than the noble Earl desired. By the provision in question, it was rendered lawful to stop any vessel whatever on the high seas, on suspicion of being engaged in the slave traffic. It was true that the vessel could not be condemned; but all vessels might be stopped and detained, and inquiries might be made of them whether they had regular papers. It further appeared that the persons who might so stop such vessel were to be indemnified against the consequences. Was it intended by this to be enacted that the vessels of any or all the powers of Europe might be detained and searched, and afterwards allowed to proceed on their voyage, whether we had slave-trade treaties with those powers or not? Such a law would be quite a novelty in the legislation of this country, and he earnestly recommended their Lordships to consider well before they adopted it. He would recommend the noble Viscount opposite to take into his consideration whether he would not rather bring down a message from the Crown to Parliament, in order to put the question on its real and true footing—that of their having been a breach of treaty on the Part of Portugal, with regard to which her Majesty felt called upon to proceed to extremities. Let them proceed upon that ground, in accordance with the old constitutional practice; but let them not pass such a measure as this, which, while it was a departure from that practice, was at the same time, fairly open to all the objections which he had raised against it. He earnestly recommended their Lordships not to pass this bill.

Viscount *Melbourne* understood the noble Duke to have acquiesced in the statement which had been made of the circumstances in which the country was placed, and the necessity there was for the immediate adoption of some measures for the purpose of enforcing the performance of the obligations imposed by treaty upon Portugal. The noble Duke admitted that the Portuguese had entered into the engagements in question—that they had failed to make good their engagements, and that it was the duty of this country to take measures to ensure the fulfilment of those engagements. The noble Duke, therefore, took no objection to the object which the framers of this bill had in view, but admitted that they were, in the present instance, not merely fulfilling the duty imposed upon them, as Members of the Government, but also fulfilling the pledge given by them to both Houses of Parliament—a pledge which, if he rightly understood the debate that had taken place on a former occasion, had been called for on all sides, and that upon a subject as to which he certainly had not conceived there could be, or was the slightest difference of opinion. The noble Duke admitted that the Government were right in point of fact, and moreover, were bound in point of duty and in point of honour, to compel Portugal to fulfil the engagements entered into upon the solemn faith of treaties—engagements in return for which she had already received the full price and concession. But the noble Duke objected to the course taken on this occasion, and to the bill that had been introduced, and maintained that what they had done ought to have been done by the prerogative of the Crown, and that the Government ought not to have called on the House to act without a full statement of case, and of the reasons which induced them to take the course proposed with regard to Portugal. Why the case was already before the House. The whole of the papers were before the House. The noble Duke called for statements and diplomatic notes and explanations. There were on the table statements upon statements, notes of our Secretary for Foreign Affairs, and notes of the Portuguese Secretary for Foreign Affairs; and the Government thought, that the case and the reasons for the course they recommended, were so irrefragable as to afford grounds for assenting to this measure. During four years, they had been engaged in this negotiation with Portugal. The whole result of it was before the House. The statement of the case, on the part of Portugal, was before the House also, and the objections she had taken to the fulfilment of the treaties. In the first place, Portugal demanded, that if any difficulty arose in her colonies in consequence of her taking steps to enforce the suppression of the slave-trade, we should guarantee to her the possession of those colonies—secure her, in fact, from the consequences of any discontent on the part of her own subjects. That was a proposition so unlimited in its character, and likely to lead to results so widely different from any that appeared on the face of it, that it was impossible for this country to endure it. The next stipulation on the part of Portugal was, that she should be allowed to introduce into her colonies, on the abolition of the slave-trade, certain regulations which were considered to be tantamount to ensuring a perpetuity of slavery in those colonies. The last proposition on the part of Portugal was, that a certain period should be fixed during which the slave-trade should be suppressed. This proposition, it was considered, would inevitably lead to a revival of the traffic after that time had elapsed; and as the engagement with Portugal was absolute, and large payments had been made upon the strength of it, it was at once stated, that nothing less than the entire abolition of the slave-trade now carried on under the Portuguese flag, was expected at her hands. In speaking upon a measure, which unquestionably was harsh towards Portugal — though, in his opinion, very much called for—he was unwilling to say anything unnecessarily severe; yet it was impossible for him to say, that this country could be any other than dissatisfied at the conduct of Portugal with regard to this question; and he felt bound to declare that the Government of this country could not believe, that Portugal felt anxiety to carry into effect the stipulations of the treaties. Ministers could not help thinking that she had attempted to evade the performance of the engagements by which she was bound. Therefore, it was, that they had thought it necessary to call upon their Lordships, and the other House of Parliament to carry into effect this measure, which would unquestionably give them powers which they did not at present possess. But then the noble Duke maintained, that Ministers ought to have availed themselves of the prerogative of the Crown, and have at once declared war against Portugal. Why it was to avoid that necessity that they had taken the present course. The noble Duke maintained that it was a worse course than a declaration of war, because the British Government could not recede from the law passed by the British Legislature, and the Portuguese could not be expected to put up with our law without going to war. But the noble Duke seemed to have misconceived the effect of this bill. The object of it was only to empower her Majesty to take certain steps if she thought fit. She was not by the bill bound to take those steps. Therefore, after the passing of this act, she would be as well able to proportion her measures to the necessities of the case as if she had had merely to act as a belligerent by her prerogative. Every mode of treaty would be open to her under this bill, just as much as in the other case, except, that the decided and irrevocable step would not have been taken — no declaration of war would have been made. And when the noble Duke exclaimed against the injustice to Portugal of such a war, he was not aware, perhaps, that Portugal had had due notice of the intention of her Majesty's Government; she had a complete knowledge of what was intended to be done, and it was impossible for her, with any justice, to complain of the course pursued. The Government had felt themselves called upon to take this step by the general voice of Parliament and the opinion of the country, and he must say, that he was very much surprised to find that there was any difference of opinion on the subject. He felt assured, that if this bill were pressed, the mere possession of the powers which it would give them would be sufficient to produce the result which was so much desired. If their Lordships rejected the bill, if they allowed themselves to be led to withhold their support from the Crown and the Government on this occasion, what could they expect to result from it, but greater obstinacy and resistance on the part of Portugal? Would not Portugal derive the greatest encouragement from such an event? Was it likely that she would carry into effect those stipulations which it was confessed she was bound to adhere to, if she saw that the British Parliament had deserted the Crown and the Government by withholding their support from this bill? Could any other idea arise, except that she was supported here in her resistance to the calls of humanity, and her neglect to perform the stipulations of treaties? Could there be any other impression produced? And could it be otherwise than a most dangerous course in a measure of this kind, relating to foreign Powers and to public treaties, even though they did not think the course which had been pursued was the best, to take the line of conduct which the noble Duke had recommended. He felt strongly that none of the objections stated by the noble Duke were well founded, and that the House would inflict a very serious injury on the weight and influence of this country, and on the cause of the abolition of the slave trade, which the noble Duke was most anxious to promote, if they refused this bill to the Government.

The Duke of *Wellington* had not stated that the treaties were inaccurately disclosed in the bill, nor did he deliver any opinion as to the necessity of proceeding in this or in any other way in order to enforce the execution of the treaty. What he had said was, that Portugal was bound to perform her treaty; and that the Government would be justified in proceeding to enforce its execution in the usual constitutional manner; and he had said, also, that their Lordships should have had an opportunity of examining all the documents. Whether there were other modes of proceeding than that which had been adopted was a question for the decision of the Government, and was one upon which he should give no opinion; but he would say, that it was not his intention to dictate to the Government any more than to desert them when he thought that they were adopting a course which was constitutional, honourable, just, and fair towards an adversary, and which was likely to secure the reputation of this country both here and with the world.

The Earl of *Devon* said, that the noble Viscount had not grappled with the real question before the House. That question was, whether the bill before them was the means by which they ought to proceed—that was, to act against the subjects of a state because the government of that state had neglected to fulfil its treaties with us. He objected to the bill that it gave to her Majesty's ships the right of search, not alone of vessels sailing under the Portuguese flag, but of vessels of all nations. Whether that right should be exercised towards the vessels of other nations, was another matter. The noble Viscount had complained that the Government was deserted on this occasion. He denied that statement: it was the Government which had deserted itself, the Sovereign, and the country, by not taking those steps which the treaties in existence justified it in doing. It was stated, that if their Lordships did not pass this bill they would be supporting Portugal in carrying on the slave trade; but neither the noble Earl nor the noble Viscount had not given any grounds for that statement; in fact, there was no ground for the bill, and he therefore felt justified in rejecting it.

The Earl of *Minto*, in reply, agreed with the noble Duke in thinking that negociations should have preceded this measure. But there had been long negociations on the subject, as the papers before the House would prove, and those papers would enable noble Lords to judge for themselves how the negociations had been carried on. It was not the fact, that the authority of Parliament was by this bill substituted for the prerogative of the Crown. All that the Government asked from Parliament was, to confer on it the power necessary to exercise the prerogative of the Crown in a particular way. The noble Duke had dwelt much on constitutional power. He had often heard of constitutional power, but he professed he did not understand the sense in which it was now used by the noble Duke. The House of Commons was a tolerably good judge of constitutional power, and it had, in responding to the wishes of the Government and of the country, passed the bill unanimously. The rejection of this bill would have the effect of throwing a shield over the faithless government of Portugal in carrying on the most iniquitous traffic in slaves. It was true, that the commanders of any of her Majesty's cruisers might get orders to seize any Portuguese vessels; but if they did so before a declaration of war, the officer seizing the Portuguese ship would be liable to an action in our courts. This bill, then, was necessary to protect the subjects of her Majesty, not against any foreign States, but against the powers of our own courts, in which actions might be brought against them for enforcing the treaties with Portugal. Now, what was the intent and object of the 4th clause, which was the principal part of the measure? It went to describe what it is which constitutes a slave vessel, and when such vessel should be liable to seizure. Was not this necessary? The 5th clause, enacting the breaking up of such vessels, was almost equally necessary. But now when, year after year, the Government had been trying to prevail with the Portuguese Government—when the Commons had cried out for the destruction of this nefarious trade—and when the country was united in demanding that some stop should be put to the trade—when they came to the House of Lords to ask, not that their Lordships should invest the Crown with new or unheard-of powers, but with just the same powers of carrying the treaty with Portugal into effect which they had given in the case of other treaties with foreign powers, then their Lordships objected. Without this measure, or something like it, no attempt, short of a declaration of war with Portugal, could be made by means of the exercise of the prerogative to enforce the objects of our treaties, or to take any measures which might be necessary to terminate the traffic. An Act of Parliament was absolutely necessary to effect the object. The rejection of this bill would lead to one of two things—either to compel this country to go to war with Portugal, or to leave the slave trade to go on unrestrained under the flag of Portugal, and fostered and encouraged by their Lordships.

The House divided:—Contents 32; Not-Contents 38: Majority 6.

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Forester	Argyll
Cowley	Foley

Bill thrown out.

HOUSE OF COMMONS,

Thursday, August 1, 1839.

MINUTES.] Bills. Read a first time:—Metropolitan Sewers.—Read a second time:—Tithe Commutation Act Amendment.—Read a third time:—Highway Rates.

Petitions presented. By Mr. Hodges, from Goodhurst Marden, and other places in Kent, against the Tithe Commutation Act Amendment Bill.—By Mr. Ewart, from the Congregational Union of England and Wales, for a Uniform Penny Postage.

BREACH OF PRIVILEGE—PETITION OF MESSRS. HANSARD.] Lord *John Russell:* Sir, Before any other business, I rise to move that this House do now proceed to the consideration of the petition of Messrs. Hansard.

Agreed to.

I now move, the noble Lord continued, that the resolutions of this House of the 30th of May 1837, regarding the publication of printed papers, be read.

Resolutions read as follows:—

"That the power of publishing such of its reports, votes, and proceedings, as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially of this House, as the representative portion of it: That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding for the purpose of bringing them into discussion for decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon: That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament."

I now rise, Sir, pursued the noble Lord, for the purpose of bringing under the consideration of the House the steps which it may be expedient for this House to take, with respect to the notice of action served on Messrs. Hansard by the attorney of an individual, for having printed and published certain proceedings in obedience to the orders of this House. In doing so, I think I may as well state the position in which we now stand, in regard to the power of printing and publishing our proceedings. On a previous occasion, somewhat similar to the present, a select committee was appointed to inquire into precedents as to the manner in which that power had been exercised by the House, and the grounds on which that privilege might be maintained. That committee found, that the power of publishing and printing such of their proceedings as might appear conducive to the public interest was inherent in and necessary for the exercise of the constitutional functions of Parliament; that those privileges had been exercised for a long period of time, and more particularly at the time of the revolution, when, under the sanction of Mr. Speaker Williams, the votes were not only printed and published, but sold, and the sale became so extended during the last century, as to be a matter of profit, the returns exceeding the expense of printing those proceedings. That was very likely to be the case, because the public had not then, as now, the facility of reading the debates in the newspapers of one day that which had occurred in the evening before, but only received their information scantily from time to time in the periodical magazines, and their only authentic information was contained in the votes of the House, authorised to be printed and sold by the House. I only refer to this fact in consequence of erroneous opinions that prevail on this part of the subject. And one of the most erroneous of these, and the most prevalent is, that the practice of selling the votes and proceedings printed by order of the House is a totally new practice, and that it does not rest on the same foundation as the ordinary privileges of the House. I believe, that the truth is quite the contrary, and that the sale of these proceedings was much more common in former times than now. Although the publication and sale of reports of select committees is of a late date, yet the practice of selling the votes of the House was a far more usual practice in former times than in the present day. In consequence of the report of the select committee, the resolutions of which had been read by the clerk at the table, discussions arose in the House, as to the way in which that power was given, and how it should be exercised in the event of its being called in question in a court of law. And it was the opinion of those best acquainted with the practice in such courts, that the more regular manner would be for the House to make appearance in a court of law, should occasion require, and there inform the judge, that the publication by Messrs. Hansard was authorised by the House of Commons, and that the House claimed as an undoubted privilege the publication and sale of their proceedings. It was held out to the House, to induce them to take that course, that it was the regular way of making the courts of law acquainted with their privileges; and, being informed by the Attorney-general that the court would allow, that the answer was a sufficient answer to any action, that the case could not then be proceeded in, and that it was plain, that the parties in such suit could not succeed in obtaining damages, that course was adopted. The result of the action was certainly different from the expectations held out to the House; and the views propounded in the Court of Queen's Bench, however strict law, were undoubtedly of a most extraordinary nature as affecting the powers and privileges of the House of Commons; because the judges held, that the report of an inspector of prisons, in regard to the prison of Newgate, and the nature of the books to be admitted there and read, could not at all affect that House in legislation, and could not have any effect whatever in respect of any measures which that House might take relative to that prison, and that such publication, therefore, was unjustifiable. I must say, without entering upon the legal question, that the opinion so propounded by the Chief Justice of the Court of Queen's Bench struck me with astonishment, and convinced me more than any thing else, that it would not be acting wisely to entrust the question of deciding on our privileges to a court of law, because the narrow and contracted notions which seem to prevail in the Court of Queen's Bench, if carried to their full extent, would deprive this House of the exercise of the most important and useful of its privileges, and prevent us from communicating to our constituents or the public at large that general information which is necessary for the maintenance of the authority of the House, and for the information of the public in general, who take a deep interest in and are watching our proceedings. A question was then brought under the consideration of the House, whether this opinion, having been given against the privileges of the House, it was necessary to proceed to prevent damages being levied by the inferior officers of justice. On that occasion I was of opinion, and in that opinion I was supported by a small majority of the House who agreed with me, that having allowed this matter to go so far, and having asked for the judgment of the Court of Queen's Bench, that that was not a stage in which we could properly interfere in vindication of our privileges. The House then came to certain resolutions, and resolved to adopt steps on receiving the report of a select committee appointed to inquire into the matter; but I stated at the same time, I think, to the hon. Member for Kilkenny, that there was nothing to prevent the House from interfering to vindicate their privileges, should occasion occur before that report was made. Such a case has now, it seems, actually occurred, as it is stated by Messrs. Hansard, in their petition to the House, that they have received notice by an attorney for a Mr. Polack, that he would proceed against them in an action at law, for printing and publishing the report of a committee. I now consider what that report is which is said to contain libellous matter of action. And I may say also, that it does appear to me, that the case is quite as strong, if not a stronger case than the former one, in which we had to consider the proper manner of proceeding. In the former case I did not think it quite the strongest that could happen; but in this case the action against Messrs. Hansard is to be brought for printing and publishing minutes of evidence taken in the year 1838, before a select committee of the House of Lords appointed to inquire into the state of the island of New Zealand, and which is represented to contain a false, scandalous, and malicious libel against Mr. Polack's character. I shall not enter into the question at present as to what is contained in that evidence; but will come to the matter which the House had ordered to be printed. The question of New Zealand is one of very great importance; a bill had been introduced upon the subject—it had occupied the attention of Government for more than two years—and was a question that had attracted the consideration of all who were interested in our colonial prosperity. The House, on this subject did not appoint any special investigation of its own, but the House of Lords appointed a select committee to inquire into the present state of the islands of New Zealand, and the expediency of regulating the settlement of British subjects therein. The Lords forming that committee were the Lord President of the Council, the Duke of Richmond, the Duke of Wellington, the Earl of Devon, Lord Hillsborough, Earl of Canarvon, Earl of Wicklow, Earl of Chichester, Earl of Durham, Earl of Ripon, Viscount Gordon, Viscount Canning, the Bishop of London, the Bishop of Lincoln, the Bishop of Hereford, Lord Glenelg, Lord Dacre, Lord Ellenborough, Lord Colchester, Lord Brougham, and Lord Ashburton. That committee were engaged for a considerable time in taking evidence on the state of New Zealand. They made a very short report stating, that on the main point the extension of the colonial possessions of the Crown was a question which belonged to the decision of Government, but that the exertions already made had beneficially effected the advancement of the religious and social condition of the aborigines of New Zealand, and afforded the best hopes of their future civilization. The evidence taken before the committee was printed for the use of the House of Lords, and having been so printed, it can hardly be asserted, that the evidence could be entirely confined to the Members of that House, and it has now been stated by the authority of the judges, that selling is not material. The whole question turns on publication. It is surely an extravagant assertion to say, that, if strictly confined to their own House, Members might have the use of printed proceedings. I consider that to be an extravagant assertion, and one that is impossible in practice. Whoever went into the house of a Peer would doubtless find upon the table several large books and reports of the proceedings of the House of Lords and Commons, and there could be no doubt that, if any such person wished to obtain information with regard to New Zealand, no noble Peer would withhold from him a copy of the evidence that had been given on that subject. I take it for granted that the Peers whose names I have read to the House reported the evidence to the House of Lords for the purpose of being printed. They did not print evidence wantonly, for the purpose of injuring private individuals; and in the next place I am sure the evidence so printed by them was in fact published by them, and made known by them in the way the law considered publication. The report was then communicated to the House of Commons. I say again, I will not now enter into the question of what might be contained in it, or whether it had any effect on the character of Mr. Polack. It is sufficient for me to say that the House ha reecived the evidence as taken before a committee of the House of Lords, and printed by their order. But whether justified or not in that proceeding, I think the the resolution of the House to print and publish these proceeding was a sufficient authority to Messrs. Hansard, and that they were fully justified in proceeding to print and publish them. I must say, that the House was not blameable; nor could it be justly accused of having wantonly published matter reflecting on the character of an individual, in publishing the evidence given before the House of Lords, on matters of great public importance. This individual has instructed an attorney to begin an action against the Messrs Hansard. The evidence which is to prove the ground of that action, was taken before a committee of the House of Lords, and printed by them. How comes it, then, that he has passed over the opportunity of commencing proceedings against the House of Lords, and that he waited till the publication was made by the order of this House? But I do not wish to transfer the vindication of our privileges to the House of Lords. I am prepared to say, that having taken on ourselves the order for printing and publishing, it is our duty also to take such further steps as may be necessary to maintain that order. The question is, how shall we proceed? Shall we again instruct the Attorney-general to appear before the Court of Queen's Bench, and repeat the grounds and reasons on which we ground our claims of privilege. I certainly should object to such a course, because it appears to me, that it would be merely degrading our privileges, and lead to a humiliating result. I think we have done all that is required of us, on the ground of prudence and forbearance. We have taken care to inform the Court of Queen's Bench why we consider it necessary to maintain our claims of privilege, and done every thing in our power to show that we do not wish to enter into a needless collision with another tribunal, acting under the authority of the law. But having done so, it has now become absolutely necessary that the House should take some other course for the effectual vindication of its privileges. The only way is, to begin at once with the first person commencing this proceeding. By a resolution which I am about to propose, notice will be given to all persons not to commence those proceedings, and if they should disobey that notice, and still proceed to follow out the action, in defiance of the resolutions of the House, they would have received, at all events, due notice of the consequences. In this manner I think we may safely protect the Messrs. Hansard against any thing that the commencement of this action may entail upon them. I am aware that in this proceeding we shall be told, as we were formerly told, that attorneys and counsel will willingly submit to be confined, and sent to prison by this House, in the vindication of what they consider the legal rights of the subject, and the authority of the courts of law. I may think, that the entering into that contest is a most irksome and painful task upon the Members of this House; but, for my part, I see no other alternative. I am not aware that there is any course that can be pointed out, which does not involve this contest, for I can only see, on the one hand, a determination to assert our own privileges, to maintain our own constitutional right, whatever may be the resistance offered to the execution of our orders; or, on the other hand, the total degradation of the privileges of the House, and the total abdication of the functions necessary for the well-being of the country. Of all our privileges, this is the least of all intended for the benefit of the Members of this House. There may be occasions on which it might be argued, that our dignity has been chiefly offended, and in which we might assert our privileges, rather for the sake of the jealousy of our dignity than for the public welfare. Let me, Sir, observe what will be the consequence of submission on the part of this House in a case of this kind. The consequence must be, if we take the judgment of the Court of Queen's Bench, and yield submission to that judgment, that all papers printed by order of this House must be, as far as possible, strictly confined to the Members of this House; and, that with regard to all our proceedings, whether of deliberation on public affairs, whether upon matters of legislation, or whatever matters they may be, the great and important matters in which, as the representatives of the people, we are engaged—upon all those matters we must keep our proceedings secret, and we must deny to the people any power of judging whether we have acted according to justice, and whether we have consulted the true interests of the people; or whether we have not deviated entirely from justice, and altogether forgotten their true interests. But would the people be satisfied with that state of things? Would they be satisfied with one saying, whether it were with regard to the state of our prisons, or whether it were with regard to our colonies, or any other subject that may come before us. "You shall be made aware of the laws when they are passed; you shall be made aware of the bare votes to which we have come in determining our proceedings; but, as to the grounds of determination—as to all the evidence that has been given to the House of Commons as to all the evidence that has been given before either House of Parliament—with respect to those proceedings, we are precluded by the judgment of the Court of Queen's Bench from giving you any information on the subject." I am quite sure, that if we took this course, admitting that we surrendered no right or privilege, that would, in six weeks, be intolerable to the people at large. They would say, and I think justly, that we were taking advantage of this judgment of the Court of Queen's Bench, to keep secret our proceedings—to keep secret the grounds upon which we went—and they would say, that we were bound to take some means by which our proceedings should be made known to the people. I hold, therefore, Sir, that this is a case in which it is necessary to maintain our privileges, and I see no mode of preserving them, except by proceeding against the parties. At the same time, Sir, after the course which has been pursued with regard to the late action against the Messrs. Hansard, and especially with this very cautious letter before us of Mr. Shaw, I cannot say that the proceedings which he has already adopted should be visited with the severe displeasure of this House. I think it necessary that we should enter into a resolution, in order that he and the public may be informed that we think it necessary to vindicate our privileges, and that if he shall proceed, it will be necessary, at least I should say so, that he should be summoned to the bar, and committed for a breach of the privileges of this House. But, Sir, having received the warning which I propose to give, I do trust that he, and all parties, will be disposed to act on the understanding that this had been claimed by the House of Commons as a privilege; that they will be farther disposed to yield a ready assent to the orders of this House; and that they will not go further in this proceeding. I will now read the resolution which I mean to propose, which is as follows:—

> "That Messrs. Hansard, in printing and publishing the report, and the minutes of evidence on the present state of the island of New Zealand, communicated by the House of Lords to this honourable House, on the 7th of August, 1838, acted under the orders of this House; and that to bring, or to assent in bringing any action against them for such publication, is a breach of the privileges of this House."

I shall propose a further resolution if the first is agreed to, instructing Messrs. Hansard, who have asked for instruction on the subject,

> "That Messrs. Hansard be directed not to answer the letter of Mr. Shaw mentioned in this petition, and not to take any step towards defending the action mentioned in the said letter."

The noble Lord moved the first resolution.

Sir *F. Burdett* could not help feeling the extreme difficulty of the case, but agreed with the noble Lord, that the House ought to possess whatever power was necessary for the proper performance of its functions. The privileges of this House were not intended to be used as powers against other persons, but to shield the House against the exorbitant privileges of the Crown, which might be exercised so as to stop free discussion, and the free agitation of Parliament. The House, however, claimed privileges now which were not beneficial to the public. It could never have been in contemplation, that Members should be protected against arrest for private debt. But the object of Parliament had altered with the change in the state of the country. It used to be a regulation, that no proceedings in the House be reported out of it. This, among other things, had yielded to the alteration in the state of society. There was this difficulty in the way of the House, that when it once interfered, there was no means of knowing when it should stop. He considered the House should have all those powers which were necessary for the welfare of the public, and he should not, therefore, oppose the resolutions, which he thought rational and consistent with the proper respect for the liberty of the subject. Still he feared, that they were the commencement of a great deal of trouble and difficulty.

Sir *R. H. Inglis* said, he came to a different conclusion, and should oppose the resolutions. He could not help expressing his regret, that the noble Lord standing there, not only as a Minister of the Crown, but as the guardian of the law, should have indulged in the expression which had escaped him in reference to the Supreme Court of Judicature in this country; that he should have stated, at a time when the authority of the Crown and the law required more than ordinary support from those who were themselves in authority, the narrow and contracted views since taken by that court of judicature; and the noble Lord said he would not trust a question of the rights and privileges of that House to such authorities [*Cheers!*]. He must have expressed himself imperfectly, if he understood those cheers, because the point was not, that the noble Lord rested the defence of their privileges upon themselves, and refused to submit to a decision upon them by the Court of Queen's Bench, but that he refused to submit to the decision of that Court, because the authorities there held narrow and contracted views. To that point he wished to call the attention of the House. He was surprised that the noble Lord, holding the high situation he held, should so designate the first tribunal in the country. What were the facts of the case as related to Polack? The House had no real cognizance of the case; but he apprehended that the Court of Queen's Bench had not only decided the case of Stockdale v. Hansard, but also that of Polack. His information led him to believe that Polack had brought an action against the *Times* for publishing an extract from the very Report in question, and had recovered damages. Was the House, then, to come forward, and say that the Court of Queen's Bench had given a wrong decision. The noble Lord said, he wondered that Polack had allowed the publication by the House of Lords to pass, and waited to pounce upon that House at the moment when they published the document. But the noble Lord assumed two things; he first assumed that the House of Lords had published the document. Now, the very first witness put into the box would say, that he went to Hansards', and bought the report for 3*s.* 4*d.* Could they say so of the Lords' Report? He did not pretend to say what was, or whether there were any difference in point of law, in the selling of the papers, but certainly, in point of proof, there was a very essential difference; for the purchase in Abingdon-street, or in Great Turnstile, was easily proved, compared to the publication by an individual Peer. In point of moral effect, the difference was still greater. It was useless for the House to go on, unless they were prepared to go to the whole extent [*cheers.*] If they cheered in that way, they had very strong nerves indeed—they must indeed exert their courage, for he fully believed the great body of the country would not go along with them. They had to look, in the first instance, to Mr. Shaw, the attorney. Did they suppose that Charles Shaw would, upon the first proceeding, fall down upon his kness—at once succumb and beg pardon of the House? Suppose he were to do so, were there no more Charles Shaws in the profession? Did they suppose that their thunder would frighten and bring Mr. Polack humbly to their bar as a supplicant for mercy? Under such circumstances Mr. Polack would do what Colonel Fairman had done on a certain occasion, he would take advantage of a fine morning and a steamer for Calais, and then what would become of the orders of that House? The difference between the orders of the House and those of the Court of Queen's Bench was, that that court was a permanent body, while the House of Commons was dependant for its breath on the will of the noble Lord opposite. If that noble Lord's Friends should say to him, we are tired of the Session, and wish to go into the country, it was only for the noble Lord to suggest to her Majesty a prorogation, and down it would come the next day. Under such circumstances, what would become of the orders of the House, and under what danger would Mr. Polack be placed? There was an old adage in a cookery book of, "first catch your hare, and then dress him," and he thought that might be very well applied in the present instance to the House of Commons. First, catch your Polack; and then consider what you will do with him. But supposing that they imprisoned Mr. Polack for three weeks, which, according to present appearances, was the utmost extent to which they could go—would that deter some attorney or barrister, between the prorogation and the next assembling of the House, from taking up similar cases? He did not know what the state of business in the Queen's Bench was at present; but it might so happen, that in the interval alluded to, a case might be brought forward and decided, and would that House take upon itself to re-argue a case that had already been decided in the Court of Queen's Bench? [*Hear! hear!*] The hon. and learned Gentleman (the Attorney-General), who cheered, must have great courage if he thought he could, by re-arguing the case, upset the decision that had been come to [The *Attorney-General*—" No, no."] If he had misrepresented his hon. and learned Friend, it was because he misunderstood his cheer. With a strong conviction of the extreme difficulty, not to say impossibility of maintaining the contest on which they were about to enter, he, for one, would not make himself responsible for the issue. He felt it his duty to move a negative to the resolution. He thought that the arguments that had been urged, two years ago, against engaging in contests of this kind, received sufficient confirmation from the present state of things, and offered very little encouragement to persevere in such a course of claiming the right of printing whatever they pleased. He contended, that from the moment when they permitted their printer to sell papers, they had so completely changed the moral character of the proceeding, that they could no longer hold the doctrine, that what they did was for their own information. They had placed themselves, at once, from that time, in the condition of those who sold papers and books in Paternoster-Row. Having the decision of the Court of Queen's Bench against them, it was too late for them to say that the principle on which that decision rested was wrong, and that they would continue in a course which had been pronounced by the highest tribunal in the country illegal. He believed that this course, if successful, would be wrong, but he felt almost certain, that it would not be successful, and that they would be defeated, thus adding another triumph to those who were opposed to them. And as he had no wish to derogate from their just authority and influence, although he was afraid he would be left in a very considerable minority, still, feeling that he acted conscientiously, and to the best of his judgment, he thought he should best discharge his duty by opposing the motion of the noble Lord, and taking the sense of the House on it.

Sir *R. Peel* said, that when the question was last under the consideration of the House, a proposal was made that they should take a course which would be tantamount, if resistance were offered, to committing the sheriff for levying the fine that was inflicted by the Court of Queen's Bench. He opposed that course, thinking upon the whole that, having permitted the Attorney General to appear, and having apparently submitted the question to the decision of the Court of Queen's Bench—and the court having decided against them, and the sheriff, who was a mere ministerial officer, being bound to obey the orders of that court—he thought it would give rise, not only to inconvenience and misconception, but also to injustice, if they inflicted punishment on the merely ministerial officer, after they had, by their own voluntary act, become parties to the proceeding. But he had previously said, that he had heard with regret that authority was given to the Attorney General to appear, and further, that the sole ground on which he consented to forbearance on the part of the House, was on account of the peculiar course they had adopted—on account of their having apparently submitted their privileges to the decision of the Court of Queen's Bench; but he then advised, if the case should again occur, that they should take another course; that they should not allow the Attorney General to appear and apply to the Court of Queen's Bench for judgment, but that they should assume to themselves the vindication of their own privileges; and that was a course which appeared to him to have received the sanction of the Court of Queen's Bench, in the decision it had come to in the case of Stockdale *v.* Hansard. He there found it laid down by the Lord Chief Justice—

> "The Commons of England are not invested with more of power and dignity by their legislative character, than by that which they bear as the grand inquest of the nation. All the privileges that can be required for the energetic discharge of the duties inherent in that high trust are conceded without a murmur or a doubt."

He then asked this question, whether, upon a matter of privilege, an inherent high trust. they should permit the Messrs. Hansard to attend before another tribunal, to determine upon this matter of privilege? His hon friend near him (Sir Robert Inglis) said, that there would be some difficulty in this question, since they had only the pawer to commit to the end of the Session. If that were a fatal objection to the exercise of this power, it was an objection that would apply to all. Their proceedings would be entirely paralysed if, because their duration was not so complete as that of the Court of Queen's Bench, they were never to exercise their powers. They might as well abdicate their functions altogether. What was the argument; that because their powers were not so enlarged, or complete, or permanent, as those of other bodies, that, therefore, they were to determine never to exercise any of those powers. He conld not give up the advantage which they possessed in the case of the New Zealand inquiry, because if they were prepared to relinquish their privileges in this case—if they were prepared to permit Messrs. Hansard again to appear before the Court of Queen's Bench, because the case was so strong that it must be determined in their favour—it would be appealed to as a precedent, and it would be said hereafter, "Now, you must submit, because here is a case in which you did submit, and defend the question." It was impossible, he conceived, that they ever could have a case at all corresponding to the present; and if, therefore, they were to abandon their privileges in this case, they must completely and permanently abandon them. What was the case? An inquiry was conducted in the House of Lords. The House of Lords attempted to take a course which was suggested to this House that they ought to take, namely, they should not give the names of the parties examined; and the House of Lords, therefore, excluded the name of Mr. Polack, and contented themselves with giving his initials. They gave his initials J. S. P.; and they stated that those initials referred to a person who had appeared as a witness before the House of Lords. Now there was no witness who had the initials J. S. P. except Joel Samuel Polack; indeed he was the only witness whose name began with a P.; it was clear, therefore, that Polack was the man referred to. Now the inquiry was instituted, not in order to enable the House of Lords to determine what course they should pursue in some particular case, but to enable Parliament to determine what policy it might be prudent to pursue with respect to the colonization of a great island. The inquiry would be perfectly useless, if the House of Lords were the only parties to know the facts. The evidence would be a perfect mockery, if it were communicated solely to the Members of the House of Lords, and the Members of the House of Commons. The question here involved was, would they encourage emigration or not? If they did not, let those parties who were desirous to emigrate know what the evidence was on the subject, how was it possible that they could attain their object? This was the report of the House of Lords:—

> "That it appears to this Committee, that the extension of the colonial possessions of the Crown is a question of public policy, which belongs to the decision of her Majesty's Government; but that it appears to this Committee that support, in whatever way it may be deemed most expedient to afford it, of the exertions which have already beneficially effected the rapid advancement of the religious and social condition of the aborigines of New Zealand, affords the best present hopes of their future progress in civilization."

Two objects were here referred to, the advancement of civilization, and the mode of establishing civilization by promoting emigration. How could they promote that object, except by making known the result of their inquiries? How otherwise could they encourage emigration? How could they say to parties desirous to emigrate, "We are willing to encourage you, but we must withhold all the information we possess; we have large volumes printed containing information, but we are prevented by some rule of law from communicating it to you." The evidence of Polack had a most important bearing on the hopes, and interests, and fortunes of emigrants. He did not know whether Polack volunteered as a witness; he could only say this, that, Mr. Polack did appear as a witness. He thought the following answer of Polack most important: —

> "How would colonization prevent wars between the natives?—By employing their minds and their bodies; by Europeans settling between them; by Europeans taking up the slaves as farm servants. The slaves of New Zealand are very impertinent; they are given to invention and lies, and those are things which cause more wars between the natives than anything else."

Polack also states another circumstance most important, but of no value unless it was published:—

> "Has the native population decreased? he was asked, and he answered,—It has. Do you account for that chiefly by war?—No, I think the principal cause is infanticide. I have seen many women who have destroyed their children either by abortion, or after their birth, putting them into a basket and throwing them into the sea, after pressing the frontal bones of their heads. Why have they done that?—I have had conversation with them upon it. I saw a girl one day, and knowing she was pregnant, I said 'where is the child?' The answer was, 'Gone.' 'Gone where—where is it gone to?' 'I killed it,' was the answer, with the greatest apathy."

This was a most important statement. A man going to settle in this place would ask what was the character of the natives, what were their feelings respecting land and the tenure of land? And the answers would be of no use whatever, except those who contemplated emigration. How, then, was it possible that they could conduct such an inquiry with any advantage, if the Court of Queen's Bench had a right to restrain them from publishing the evidence to the world. Polack again states this, which appeared to him rather extraordinary, and which it was important for emigrants to be informed of.

> "Do you think any attempt to unite different tribes in one, and to put a stop to their wars, would meet with success?—That never can be done. Oil and water will not amalgamate. They visit one another?—Yes. During those visits they live on good terms?—Yes; they will absolutely fight against their own party in favour of the people they may reside with. Sometimes their superstitions occasion a great many wars; for example, if a pig passes over a cemetery there is a war immediately. Giving up the pig will not renew former amity; there must be war. If a man happen to put his pipe at the top of an old rush-house, which no person would live in, war ensues; and enmities arise from the most trifling things possible. They are children on that subject."

Now, supposing an emigrant were desirous of going to this colony, would he not be most desirous of knowing the state in which the people were, the way in which they lived; and would he like to be involved in contentions in which he had no particular interest, or to find the prosperity of the colony impeded by the contentions of the natives. But another witness was called, and he was rather surprised at his evidence, for he stated that he knew ———— in New South Wales; that he should not designate him a respectable man; and that he would not believe him on his oath under any circumstances. Was it important that parties intending to emigrate should or should not know this? What would be the position of the Imperial Parliament if they encouraged parties to emigrate upon testimony of this kind, and withheld the testimony affecting its credit of which they were in possession? He referred to this for the purpose of showing how impossible it was to maintain the distinction, that they should receive this information in their capacity of the grand inquest of the nation, that that information should be confined to themselves, and that it should be burned when they ceased to exist. As to the question of publication and sale, if there was any one point more clear than another it was this, that whatever moral responsibility the sale might impose, yet, in a legal and technical point of view, it made no difference. Sale was no necessary element in a court of law in order to determine the question of publication. He, therefore, did not think that his hon. Friend (Sir R. Inglis) could safely rely upon the distinction between this House and the House of Lords, because the courts of law had distinctly decided that there was no difference whatever. The fact was, that publication by order of the House of Commons made it privileged. What course were they, then, to follow? The privilege of publication would be of no avail whatever, unless it was one by which the community would be served. He did not say, that in every case they were to give cognizance of their papers to the community at large, but there might be cases in which it was absolutely necessary that the community at large should have all the information they could give; and the only point was, whether they were to exercise their discretion in determining whether the case was fit for publication or not? If they permitted this to be determined and decided upon by any other body, they became an inferior authority in the State. He did not contend for unrestricted publication of everything; all he contended for was, that of all such information as they were in possession of, which they thought ought to be communicated to the public generally, they only should determine upon the policy of that publication; and when they had determined to make such publication, no extrinsic authority should exercise jurisdiction over their acts. The immediate question was, what the House should do? Ought they to instruct Mr. Hansard to plead to the action? If so, they had the decision of the Court of Queen's Bench already against them. Ought they to admit that the House had been wrong? In that case they must abandon altogether and for ever the right of publishing their proceedings. The course proposed by the noble Lord appeared to him to be one tempered with great moderation, by not proceeding directly upon the resolution of 1837, but again giving notice to the world of its existence. Having once tried the case in a court of law, hoping to have a decision in favour of the privileges of the House, and having been disappointed, they now intended to be the judge of their own authority, and to punish those who would attempt to interfere with it. There might be a case in which the authority of the House might still be resisted; but the public would now generally become convinced, that these privileges were not exercised for the personal gratification of the Members of this House, but they were intrinsically interwoven with their public functions, and absolutely essential to the discharge of them. The noble Lord proposed to proceed in a manner which should subject to punishment, as for high contempt, any one presuming to dispute these privileges. The judges had admitted that this House was in the possession of every power for the vindication of its privileges and the due exercise of its functions; and that if it were to commit a person for contempt of those privileges, no court would take cognizance to relieve the party. He would read the opinion of a high judicial authority, who said, that "in case of committals for contempt, no doubt the House of Commons was the sole judge of the cause, and that no court of law could inquire into it." He (Sir R. Peel), therefore, had been from the first of opinion, thatthe most proper mode for the House to have proceeded in was, to interpose its authority at once on the first symptom of the contempt; but, as a different course had been adopted in the earlier stages of the case of Stockdale *v.* Hansard, he had not thought it advisable to interfere, after once having submitted as it were to the authority of the court; but now, having once gone before the Court of Queen's Bench, but without success, he did not think that any one would say that in the present case they would be proceeding with undue arrogance, or without due and sufficient cause, if they gave a distinct notice, that whoever attempted now to dispute this privilege should be punished as for a high contempt. He thought that in so doing they would have the public with them; and even if they had not, they would have the satisfaction of knowing that they had done their duty, and had endeavoured to preserve the privileges that were vested in them for the benefit of the people of England.

Dr. *Lushington* said, that concurring, as he did, in all the sentiments of the right hon. Baronet who had just sat down, there were a few points upon which he wished to address a very few words on the subject of the present debate. The hon. Baronet, the Member for the University of Oxford, had stated the difficulties which were in the way of one course of proceeding; but he had entirely overlooked those which stood in the way of the other. What would be the inevitable consequence of the House's stopping short of the course it had adopted, and abstaining from asserting its privileges in the present case? What would they do then? No one, he was sure, would now advise that they should revert to the same proceeding that they had adopted in the case of Stockdale *v.* Hansard, and plead before the Court of Queen's Bench. They had already tried the Court of Queen's Bench, and had been defeated there. Suppose, then, that they were not to adopt the resolution of the noble Lord, would nothing take place? Yes, the action would go undefended—it would go by default—and in due course of time a jury would be empanelled to assess damages for the plaintiff. At this stage of proceeding, as at the previous, there would not be the slightest show of defence, and the consequence would be, that thousands of pounds might be awarded against Hansard. Or, suppose that Messrs. Hansard should defend the action and plead a justification—what would become necessary to support that plea? They would have to send to New Zealand for evidence in support of the plea, and for want of that evidence the plea would fail, and the result would be a verdict against the defendants, very probably with aggravated damages. So much for an action for damages. But Messrs. Hansard might be indicted the very next day, in which form of proceeding truth would be no defence; and they might be afterwards called up for judgment. Would this case be a single instance of such vexatious proceedings? On the contrary, would not any one who thought he had experienced a real or an imaginary grievance, and who wished to obtain a disgraceful notoriety, bring action after action against their printer. Nay, more; they might even bring actions against every individual Member who had distributed a single copy of the alleged libel. Would the hon. Member for Oxford University have them abandon the sale of their printed documents? Even so, still they would be no better off than they were before. Was not every Member of the House continually asked for copies of their reports by persons interested in their details? This very New Zealand report, for instance, and the Prisons report were eagerly sought for; yet in giving copies they were individually open to actions. Would the hon. Baronet appoint a committee to superintend and edit their publications, in order to strike out from all the voluminous reports which they were daily publishing every particle of matter that could by possibility be construed into a libel? What committee, he should wish to know, would undertake a task of such endless and hopeless drudgery. But even suppose they had published an expurgated edition of the very report now in question, what would be the result? Why, that they had taken out the most important fact and feature in the whole document, the testimony of a witness which went wholly to destroy the effect of Mr. Polack's previous statements. The privileges of the House depended upon their conduct on this occasion—if they abandoned them now, they must relinquish them for ever. This was a privilege, however, which was not to be looked upon in the same light as some of the other privileges of the House, which more concerned the personal immunities of Members, as the freedom from arrest, and some of which had gone far to bring all parliamentary privileges into contempt—as it was a privilege of the most important and essential kind, in defence of which, from a strong sense of their public duty, they were prepared to battle through a most painful and difficult encounter with one of the highest judicical authorities in the land. If they abandon their high and important privilege, they would give up that most useful power of distributing from one end of the country to the other the varied mass of information most affecting the interests of all classes of society, collected by the diligence of the House, and the due dissemination and understanding of which by the people at large was necessary before they could legislate with advantage to the whole body of the people. The noble Lord said, that this was not a time when high judicial functions should be held in contempt. He agreed that there was no time when high judicial officers should be treated with disrespect; but he did not think that the noble Lord, in what he had said, had asserted one particle more than was necessary under the circumstances. The noble Lord said—and said, as he thought, truly—that the Court of Queen's Bench had taken a narrow and contracted view of this important question. He must say that it seemed to him that, of the judges who had delivered this judgment—for whom, in other respects, he entertained the highest respect— that their minds had experienced a most extraordinary contraction when coming to the consideration of this case, perhaps because they were in the atmosphere of a court of law, instead of being in this House, where some of them had sat, and they had entirely forgotten the high and important functions which this House had to perform. The noble and learned Lord Chief Justice must know that his judgment would not deter the House from the exercise of those functions which it was bound to perform, which the people required that they should perform, and which they were obliged and bound to adhere to. If the House were to burn and destroy its papers at the end of every Sessions, how was it to perform its duties, and how was the country to judge of the manner in which it acquitted itself of the important trust reposed in it. Even in regard to precedents, the learned judge seemed to have relied chiefly upon some which he humbly submitted ought to have been rejected altogether, and neglected others which he maintained were convincing, in support of this privilege As to the question what they should do under the present circumstances, all agreed with the right hon. Baronet who last spoke, that it would be better to take a firm but moderate course to-night, and presume acquiescence to follow. But in this expectation they might be disappointed, and then he was fully aware, that they might become involved in some degree of unpopularity in opposing the Court of Queen's Bench. But he (Dr. Lushington) for one had adopted the line of conduct which he thought right, and he was resolved to go on in it to the end, and he was quite ready to meet any share of unpopularity which might fall to his lot in so doing. He thought, that they could not, in the present stage of the case, take any proceedings against Mr. Shaw, because he had not as yet taken out any proceedings against Messrs. Hansard. All he had done yet was to threaten an action. But the moment Mr. Shaw—if he should be so ill-advised—should bring that action, he would suggest, that the House should proceed against him and every other person, be he who he might, who should be concerned with him in it. They must now show, that they had the courage and the power to proceed against every one who disputed or interrupted the measures of the House of Commons. To stand still under existing circumstances would be disgraceful, and irretrievably destroy the character of the House. It was possible that they might have to go to great lengths against solicitor upon solicitor, and counsel upon counsel; they might have to go further even than this, though he sincerely hoped this would never be the case; yet they might have to proceed even against the judges themselves. Deeply should he regret any occurrence which should render this state of things necessary; but he had not forgotten, when he first took up his position in it, the difficulties of this important question, and the extremities to which they might have to go in it. It had been said, that they could only commit till the end of the Session, and that during the recess a party might bring an action, and recover damages. What were they to do then? —inquired the hon. Member for Oxford University. Should they re-argue the case? Certainly not, but proceed to punish the parties; and he hoped it would be distinctly understood by all the country that the House would visit, as an equal violation of its privileges, an action brought in defiance of them during a recess as whilst the House was actually sitting; and that upon re-assembling it would be prepared to maintain their privileges, and punish the violation of them. In conclusion, therefore, he would implore the House, for the sake of the nation at large, whose liberties they held in their protection, to be firm in the maintenance of this important privilege.

Mr. *Freshfield* should feel great difficulty in voting against the observations of the noble Lord, because he thought it right and important, that the House should have a certain power of publication as far as might be essential to the due performance of its functions. He could see no material distinction between this or giving away their publications. He did not think, however, that to treat this in the state in which it now stood, as a question of privileges, would be a safe course; and he would suggest, that the proper course would be to introduce a bill, not a declaratory which bill, the House of Lords might object to, but an enactive bill, confining and establishing this privilege in the House of Commons. This, he thought, was the only way in which the House could establish the privileged nature of their papers as related to their republication, after they quitted the hands of their printer, amongst the community at large.

Mr. *O'Connell* did not think, that the hon. Member who had just sat down could entertain any very serious idea, that this House would ever submit to bring in a bill to assert a privilege which it had already declared to belong to it. This, indeed, would be putting their privileges in jeopardy without any sort of reason; and as to the power which the House now had of asserting its privileges, it was the same with respect to this as to every other privilege. He admitted, that the virtue of their commitment ended at the prorogation; but in a case of open and contumacious resistance to the authority of this House, could not, he would ask, could not the Government recommend her Majesty not to prorogue the Parliament, but to allow it to adjourn from time to time in order to give force and continuance to its authority? He was loth to differ in any one point upon this subject with the right hon. Baronet, the Member for Tamworth, agreeing as he did so entirely in the general sentiments he had expressed on it. The right hon. Baronet had made two speeches on this topic so convincing and powerful, and had taken upon himself so entirely his full share of any unpopularity which might result from it, that he did not like to comment upon anything which had fallen from him. But at the same time he thought he should be guilty of cowardice if he took the step to-night recommended by the noble Lord. In his opinion, Mr. Shaw had already been guilty of a breach of privilege. He had not sent a writ to Messrs. Hansard, it was true, but he had taken a course which was very usually taken in reference to parties who were known, and of whom there was no fear they would run away, namely, written a letter requiring the name of their attorney, which every one knew was a more courteous but equally effectual way of bringing an action. If he wanted a case which was strong for their privileges, he did not think he could ever find one stronger than the case now before them; and if they let it pass, it was an argument, *a fortiori* of submission. He intended, therefore, to move, in case the resolution of the noble Lord should be carried, that Mr. Shaw had been guilty of a breach of privilege in writing the letter in question to Messrs. Hansard, and that Mr. Polack had also been guilty of a breach of privilege in employing him to do so—for he supposed that Mr. Shaw did not write that letter without the authority of Mr. Polack, whereby he would have rendered himself liable to be struck off the rolls. Now, with respect to the merits of this case; he believed that the judgment of the Court of Queen's Bench upon the case of Stockdale, *v.* Hansard, had been condemned by every dispassionate member of the profession, and had met with general disapprobation on the part of the public. He did not think that a more able and convincing argument had ever been delivered on any subject than that of the Attorney-General. Who could read this argument and the subsequent judgment of the court, and not at once perceive that the judges had not met one single point in the learned Gentleman's argument; that, in fact, the whole proceeding was a mere tissue of equivocation, if not savouring of something of a grosser kind. When these judges spoke as they did about the Court of Parliament, were they aware, that if a judge gave a corrupt judgment, it would be the duty of this House to inquire into the matter, and, should it think proper, to impeach that judge? Why, since he had been in the House, an inquiry had taken place into the conduct of a high judicial functionary in Ireland, namely, Sir Jonah Barrington, and the Committee which sat upon his case reported, that he had been guilty of corrupt practices, in applying the money of suitors to his own purposes. Now, if they had published the report of that Committee, they might have had an action brought against their printer for so doing. But only let the House reflect how contemptible it would appear if it should address the Crown for the removal of a judge, and yet not be able to publish the evidence upon which it had been induced to take that step? For the due execution of every one of the functions of the House, two things were necessary—first, that they should ascertain facts to their own satisfaction; and, secondly, that they should make them appear to the satisfaction of the people, who were their constituents. They were here not of their own autocratic authority, but as representatives of the people, who were their masters, and to whom they were responsible. But he might be told that House had no right to publish libels. Did the hon. Baronet (Sir R. Inglis) know what a libel was? It was a publication of any kind which in any way disturbed the feelings of any person whatever. It had been decided to be a libel to call Lord Hardwicke "the sheep-feeder from Cambridgeshire," and Lord Redesdale "a stout-built special pleader," though the former was a sheepfeeder, and the latter a stout man and an admirable special pleader. Judge Johnson was convicted of both these libels. He asked, then, how were they to legislate without libelling somebody? There could not be an abuse unless somebody was an abuser. There could not be a grievance unless somebody was an oppressor. They libelled both in the steps which they took to remove the evils of which they were the authors. It was most absurd to attempt to conduct the affairs of the country without being prepared for this predicament. He should not weaken, by any observation of his, the powerful and luminous speech of the right hon. Baronet. But he used one expression which rather surprised him. He said it was clear that the House could not be charged with acting in a precipitate manner on this occasion. Now, let us see what they were going to do. Was a mere resolution sufficient in their present circumstances? Why, they had resolved over and over again, and done nothing. In 1837 they had resolved, that they, considering it expedient to publish the votes and proceedings of that House, if any suit or other proceeding were instituted against them by an inferior court, it was a high breach of privilege, and rendered the parties guilty of it amenable to their displeasure, and, as a consequence, to any punishment which they deemed fit. This was their resolution in June, 1837. They were repeating the same thing now in 1839, only in weaker words. He admitted the present proceeding could not be justly called "precipitate," but, by it, were they not shrinking from their resolution of 1837? Again, in the present year, they resolved, first, that publication was an essential incident to their privileges; and, next, that they were determined to act upon this right. Now, however, after all the fever and bustle which they had created, they came to the determination, that it was possible, that at some time or other they might do something. They could not have a better opportunity than the present, and therefore he wanted them to do something now. Here was a letter from an attorney, threatening an action for a libel which they had published against a person who, no doubt, was his client; and he humbly submitted to them, that hesitation in vindicating their privileges now, would encourage others besides this man to set their resolutions at defiance.

Lord *J. Russell*, after what the hon. and learned Gentleman had said, felt it right to state to the House a somewhat extraordinary piece of information which had reached him since he last addressed them. The hon. and learned Gentleman had insisted on the necessity of proceeding without delay against the attorney, without any preliminary step, and he had justified this proposal on the ground that Mr. Polack had authorised this individual to take the step which he had. Now, since he had addressed the House, he had received a letter, purporting to be from Mr. Polack (he was not acquainted with his handwriting), in which he stated that Mr. C. Shaw had proceeded without his authority and knowledge in this instance; that he had obtained damages from the *Times* newspaper in an action on this subject; and that his general instruction was not to proceed with any other action. It was evident from this letter that Mr. Polack had this action in contemplation, but that, according to his statement, having obtained a verdict against the *Times*, he intended not to proceed any further. Now, in the first place, he thought, as this letter seemed authentic, it was a sufficient vindication of the proceeding which he proposed, not at once to commit the attorney to prison, not, as suggested, to punish Mr. Polack on the ground that he must have authorised his agent to take the course which he had done. He thought, he repeated, this letter furnished a sufficient reason for not proceeding more vigorously and severely in the first instance, though it did not at all preclude the necessity of coming to this resolution. Mr. Hansard had stated in his petition, that he had received a letter from Mr. C. Shaw, announcing that he had received instructions to commence an action against him. That statement of Mr. Hansard had come regularly before the House, and a proceeding was proposed to be taken in consequence of the notice which that gentleman had received. They had also received a letter purporting to be from Mr. Polack, but as it had not come in the shape of a petition, which might be supported by evidence, he did not think the House would be justified in noticing the proceeding in that sense. But whatever might be the intention of Messrs. Shaw and Polack, as to proceeding with other actions, as notice had been given to their printer, it was essential that the House should proceed at once to declare their intention on the subject. He thought there could be no better occasion than the present of giving warning to all parties concerned, as to what their proceedings would be, whether or not this action went on, or other actions were instituted by other parties in similar cases. For his own part, with regard to the general subject, he did hope that the proceedings which were pointed out by the learned Sergeant (Sergeant Wilde), in what the right hon. Member for the Tower Hamlets had justly described as a most able speech, delivered on a former occasion, would, in case of contest, be found to be a sufficient vindication of that House, and would maintain unimpaired their right of publication.

He did not wish in any way to enter into the question, whether they should or should not proceed against the judges (some hon. Members during that debate affirming that they should, and others advising them not to do so) acting in the courts in execution of their sworn duties. That was a very serious question, should it become necessary at any time to decide it. He did not mean to anticipate what the proceeding of the House would be on such an occasion. No doubt it would be duly weighed. All he was now desirous of was, not to commit himself to an opinion one way or the other, by saying, that in such a case it would be necessary to proceed against them, or by saying, on the other hand, that they should meet with absolute impunity. It would be a most important and serious thing, if ever it came to that pass. He did not think it necessary, in the present state of things, to accede to the view of the hon. and learned Member for Dublin, and to take a step which must excite extraordinary attention and various and discordant opinions.

Lord *Howick* thought it utterly immaterial whether Mr. Shaw's letter was genuine or not. Mr. Hansard had received what purported to be an intimation that an action would be brought against him. He had brought under their notice that intimation, and he asked for their direction concerning it. This direction was to take no notice of the intimation; and that if any person proceeded to act thereon, the moment he committed any overt act, the House would consider such a proceeding a contempt, and should visit it as such. He conceived it a very great advantage that they should have an opportunity of showing that when a case did arise, they were determined to act upon their privileges. It appeared to him that there was no reasonable doubt as to Mr. Shaw's letter being genuine; for it was evident that it was Mr. Polack's intention to bring an action against their printer, and that he had actually given instructions for so doing, but had altered his mind when he succeeded against the *Times* newspaper.

First resolution agreed to.

On the second resolution being put:—the House divided.

Ayes 120; Noes 4: Majority 116.

Resolution agreed to.

We think it enough to give the Noes on the division, which were as follows:—

List of the NOES.

Acland, T. D.	
D'Israeli, B.	TELLERS.
Duncombe, T.	Eliot, Lord
Wood, Colonel T.	Inglis, Sir R. H.

BANK OF IRELAND.] On the motion that the report on the Bank of Ireland, resolutions be read,

Mr. *O'Connell* said, he felt justified it taking every opportunity of resisting this bill, for if it had been brought in at an earlier period, he should have had a fair chance of the support of Members at both sides of the House on a question having no relation to party views. All he asked for the other banks was a participation in the power of issuing 1,100,000*l.* The present system was pernicious in its effects. The manufactories of Dublin had dwindled down to fifteen or twenty from a hundred whilst new manufactories had sprung up in Belfast, which enjoyed freedom in banking. The revenue of the post-office, too, had increased twenty-five per cent. in such towns as Belfast, whilst it had diminished twenty-five per cent. in Dublin. He protested against the monopoly which it was proposed to continue in the Bank of Ireland, and wonld divide against the reception of the report.

Mr. *Yates* would oppose the further progress of the bill, being strongly of opinion that the Bank of Ireland had no right or title to the monopoly which it was proposed to perpetuate.

The *Chancellor of the Exchequer* would confine himself strictly to the new matter which had been introduced that evening, as he was unwilling to trespass longer upon the time of the House than was absolutely necessary. The hon. Member, who had spoken last, wished to separate the trade of banking from the prerogative of issuing promissory notes. He thought that a most important distinction, and the nearer they approached to one central issue, the nearer would they approach the application of that principle. He did not deny, that there were many inconveniences connected with Joint-stock Banks, but he did not, on that account, undervalue the application of the joint-stock principle. It was, he believed, the safest principle on which banking could be carried on. The cases of abuse which had occurred, so far from shaking the confidence of the public, confirmed the principle of Joint-stock Banks, if they were well regulated. It would be a great misfortune, if the shareholders were to withdraw their capital from these banks and the public were to withdraw their confidence. The hon. and learned Member for Dublin had inquired as to the amount of the capital of the Bank of Ireland. All the accounts which could be rendered on this subject had been already laid on the table, but if the hon. Member wished for any further details he should be happy to furnish them. In the report on Joint-stock Banks, in 1837, the amount of the Bank of Ireland capital was stated, being the debt between them and the Government. The first debt contracted in 1783 amounted to 600,000*l.* Irish currency.

Mr. *O'Connell* had not asked for the amount, but what was to be done with it now.

The *Chancellor of the Exchequer* would state the amount and the period of payment, and then what was to be done as to the repayment. The 600,000*l.* to which he had just referred, was to be repaid on the Corporation being dissolved. In 1797 the sum of 500,000*l.* was advanced, to be repaid at the same time. In 1808, 1,250,000*l.* was advanced, to be repaid at the dissolution of the Corporation, or at the pleasure of the Government, on six months notice being given. In 1821, there were advanced 500,000*l.*, to be paid on the 1st of January, 1838. The hon. Member had suggested, that he might have dealt with this on cheaper terms than he could at present; but he thought the debt could not now be paid off on better terms than those which he now proposed. In round numbers, he would assume they were paying 4½ per cent. He proposed to reduce this debt at once to 3½ per cent.; and if the hon. Member thought he could obtain 3,000,000*l.* on lower terms, he entertained a very different opinion of the state of the money market from that which he entertained, and it was very doubtful whether better terms could have been obtained at a previous time. The hon. Member had stated, that some offer had been made by private parties to provide funds for the payment of this debt, but he was not conscious of any such offer. He wished to bring this question forward fairly; and whilst he had done justice to the Bank of Ireland, he had not withheld any censure which he thought its conduct justly deserved. It was utterly impossible, he thought, with a view to the safe management of the Joint-stock Banks having numerous and distant branches that they could be made secure in any other way than by a central agency, that agency being unfettered by any local circulation of its own. This he had endeavoured to prove when the subject was formerly before the House. The hon. Member had said, that the decay of certain branches of manufacture in Dublin was a proof of the mischief of the Bank of Ireland, but it was to be traced altogether to other sources. The metropolis of a country was not the most favourable situation for manufactures under any circumstances. Dublin was overmatched by Belfast; as Macclesfield and Manchester had beaten Spitalfields. Causes might account for the alteration of the postage of Dublin, other than those alluded to by the hon. and learned Member, changes which had taken place in the mode of charging letters may have lessened the revenue in one place and increased it in another. He now wished to call the attention of the House to the present state of the proceedings. He was now asking for leave to introduce a bill, and if he was not allowed to do so the monopoly complained of would be continued, and Joint-stock Banks would be refused those privileges which were essential to their prosperity. As it was impossible to alter the state of the law as affecting the Bank of England till 1844, the same duration ought to be given to the privileges of the Bank of Ireland, in order that they might then be placed on the same footing and the whole subject considered together. On these grounds, he trusted the House would see no objection to agree to the resolutions.

Mr. *Gisborne* differed from the right hon. Gentleman in thinking that it would be convenient to extend the privileges of the Bank of Ireland as long as the privileges of the Bank of England continued. He had no doubt that the Bank of England would have its charter renewed. It was only for the Bank to get up a bit of a panic, and then the Chancellor of the Exchequer would come down to the House, and propose the renewal of the charter immediately. He therefore wished to deal with the Bank of Ireland singly. He would rather kill the small viper first, if possible; because he was quite sure that the large serpent would prove too strong for them, when they should begin to combat with it. When a bill was introduced in the month of August to create a monopoly over the heads of his constituents, he thought, almost *per fas aut nefas*, it was allowable to object to and reject it by every means that the forms of Parliament would admit of. He should therefore vote with the hon. and learned Member for Dublin.

Mr. *Clay* was in favour of the proposition to take the whole system of banking both in Ireland and England under consideration at one and the same time. An inquiry into the concerns of the Bank of England in 1844, or at an earlier period, must necessarily lead to an inquiry into the concerns of the Bank of Ireland. What advantage, then, would hon. Gentlemen gain by opposing the present measure? The monopoly of the Bank of Ireland would go on, the public would lose 23,000*l.* a year in interest, and the joint-stock banks in Ireland would fail to obtain several important advantages which the Chancellor of the Exchequer proposed to give them.

Mr. *T. Attwood* felt called upon to support the hon. and learned Member for Dublin. The Chancellor of the Exchequer had spoken a great deal about the danger of allowing banks to issue "paper money." That was a phrase which was often used, and certainly the issues of the Bank of England, when made a legal tender, might be properly enough designated as "paper money;" but when any gentleman issued a note, a bond, or a mortgage deed, he must beg to deny that such issue was an issuing of "paper money." It was merely issuing an acknowledgement of a debt; and every individual was allowed by the law of England to get into debt. If so, he wished to know by what policy it was that hon. Members could denounce or deny the right of any man giving an acknowledgment of a debt once contracted; or by what right they would prevent persons from transferring that acknowledgment from one to the other? This was a species of acknowledgment which he would contend the House had no right whatever to interfere with. They never could interfere beneficially in these matters. In assuming these paper acknowledgments to be paper money, the Chancellor of the Exchequer was not correct. He denied that a note payable on demand was of less security than a bill of Exchange payable at three months. With respect to the joint-stock banks in this country, he considered them to have produced good effects, and he knew of no reason why they should not be introduced into Dublin. It was not the joint-stock banks, nor the banks of England or Ireland, but the cruel and murderous metallic standard, which had done all the mischief. It was not in the power of any banker to issue notes without limitation. No bank and no individual could issue more money than the absolute wants of his neighbours and the public wants of the country might require. Bankers were the mere creatures of public necessity, and could only issue to the extent of the existing healthy demand. If they exceeded that limit, their paper would soon come back upon them.

Mr. *O'Connell* would address himself to the only argument which the Chancellor of the Exchequer had advanced on this subject, that the trade in banking in Ireland was carried on by branch banks, and therefore, they required a central house of issue in Dublin, and that therefore they could not carry on the trade of issue in Dublin, and also attend to business in these branch banks. Surely if that argument was good as regarded branch banks it was equally valid against the Bank of Ireland. He would divide the House on every stage of the bill.

The House divided on the question that the Report be read. Ayes 61: Noes 20; Majority 41.

List of the Ayes.

A'Court, Captain
Adam, Admiral
Baring, F. T.
Barnard, E. G.
Bernal, R.
Blair, J.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Chichester, J. P. B.
Clay, W.
Clerk, Sir G.
Cripps, J.
Dalmeny, Lord
Dick, Q.
Donkin, Sir R. S.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gordon, R.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Harcourt, . G.
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hoskins, K.
Hutton, R.
Kemble, H.
Labouchere, rt. hn. H.
Lowther, J. H.
Lushington, rt. hn. S.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Packe, C. W.
Palmer, C. F.
Palmer, R.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Philips, M.
Pigot, D. R.
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hn. Sir G.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sheppard, T.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.

Wilbraham, G.
Wood, C.

TELLERS.
Steuart, R.
Parker, J.

List of the Noes.

Attwood, T.
Bridgeman, H.
Duncombe, T.
Ellis, J.
Finch, F.
Hindley, C.
Leader, J. T.
Martin, J.
Muskett, G. A.
O'Brien, W. S.
O'Connell, J.
Somerville, Sir W. M.
Stock, Dr.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Williams, W.
Wyse, T.
Yates, J. A.

TELLERS.
O'Connell, D.
Gisborne, T.

On the question that a bill founded on the resolutions be brought in,

The House again divided. Ayes 68: Noes 16; Majority 52.

Bill to be brought in.

Admiralty Court.] House in Committee on the Admiralty Court Bill.

On the first clause it was proposed to fill up the blank with 4,000*l.*

Mr. *W. Williams* objected to this increase of salary. He was aware that the pretence for it was, that the emoluments had been much greater during the time of war. He admitted it; but they were proportionally less. They had now been at peace twenty-four years, during which time the Court of Admiralty had been presided over by many able lawyers, who had been satisfied with the present amount of emoluments—namely, 3,000*l.* a year—by Lord Stowell, by his successor Sir Christopher Robinson, who had left a lucrative practice in these courts, and by Sir John Nicholl, each of whom had had sufficient interest to have the salary raised if there had been any justification for it. He ventured to say, that if the right hon. Baronet the Member for Tamworth were in office he would not think it necessary to make any such proposition. He would therefore move that the sum of 3,000*l.* be substituted for 4,000*l.*

Mr. *C. Wood* said, it was true that the emoluments of the office amounted to about 3,000*l.*; but the salary and emoluments which Lord Stowell had received during the time of war amounted to 7,000*l.* a year. This bill had emanated from the select committee of 1833, which recommended, that after the death of Sir John Nicholl, the future judges should be paid by a fixed salary, instead of by a salary and fees; and it would be rather hard to fix the salary to be received, both in peace and war, at the *minimum* amount received in time of peace. The amount received in time of peace was 3,000*l.*, during war 7,000*l.*, and it was now proposed to make the permanent salary 4,000*l.*, which he thought perfectly reasonable.

Sir *J. Graham* expressed his surprise that this bill had been so long delayed, and that it was now unaccompanied by a bill in reference to the ecclesiastical courts. The committee of 1833 having been appointed on a motion of his, he begged to say, that the inquiry extended to the Prerogative Court, the Court of Admiralty, the Court of Arches, the Consistory Court of London, the Consistory Courts generally throughout England and Wales. It was his decided intention, when he left office, to give effect to the recommendations of the committee, and to have introduced simultaneously two bills—one for the regulation of the Admiralty Court, and another for the regulation of the Ecclesiastical Courts. With regard to the question of salary, he begged to call the attention of the House to the evidence of Sir John Nicholl, who recommended that all fees should be paid into the consolidated fund; that the judges should be permanently appointed, and should receive fixed salaries of 3,000*l.* out of the same fund. Sir J. Nicholl was also of opinion, that it would be to the advantage of the public if, after a certain time of life, the judges were to be allowed to retire on a pension. Though he felt the importance of giving an ample remuneration to the Judge of the Admiralty Court, he thought it remained for her Majesty's Government to explain, why the evidence of Sir J. Nicholl should be set aside in the one particular of salary, and adopted in other points. Sir J. Nicholl expressed himself content with 3,000*l.* a year, and he wished to hear if any good reason could be assigned why 4,000*l.* a year should be given.

The *Solicitor-general* said, this subject had already been very fully discussed. The proper test by which to try the question was, not that which was taken by the hon. Member for Coventry, the number of days on which the judge was obliged to hold sittings, but this—that a selection must be made, in order to get a competent person to fill the office; and if the selection was made from among persons who, by their practice, were making from 5,000*l.* to 7,000*l.* and upwards per annum, which they must give up to take this office, then the salary must be made worth their while. It was no answer to him to say, that the duties were not extensive. He believed the number of days on which the Admiralty Court sat was not very large. But this he knew, that the highest advocates in that court did not derive their only professional emolument from their practice there; and with regard to the learned individual who was more immediately concerned in this question, he not only was employed in every case of appeal before the House of Lords, but also in every case in the Prerogative Court, the Admiralty Court, and the other Courts of Doctors' Commons, besides having numerous cases submitted to him for opinion. It would be a miserable economy which would prevent the command of the most eminent services that could be obtained in this office.

Sir *J. Graham* wished to ask her Majesty's Government, whether they contemplated bringing forward any measure, founded on the report of the Ecclesiastical Commission, with regard to Ecclesiastical Courts? And was it the intention of the Government, if they carried the present proposition, to propose 4,000*l.* a year for the judge of the Ecclesiastical Court?

Lord *J. Russell* had no hesitation in answering the first question of the right hon. Baronet. The reports of the commission had by no means been lost sight of. But he understood that it was the opinion of the prelates of the church, that no measure on that subject could be proceeded with satisfactorily, and that they could not give their consent, until a measure was agreed to with respect to church discipline, one snbject so much depends on the other. A bill on the subject had been under discussion in that House, but, far from meeting that general support which was expected, it had met with great opposition; and the other day only, a bill had come down to that House, which was very much objected to by many persons who were of high authority on the subject of church discipline. That was the reason why the question of the Ecclesiastical Courts was not pressed, it being understood that the heads of the church would give their decided opposition to such a measure, in the absence of a measure upon church discipline. But it was by no means the intention of the Government to drop all measures upon that subject. The right hon. Gentleman seemed to think, that the judge of the Ecclesiastical Court must have the same salary as that proposed for the judge of the Admiralty Court by the present bill. The opinion of Sir J. Nicholl was, that the judge of that court might have a salary of 3,000*l.* a-year. But what that salary should be would be very properly discussed when a bill on the subject was introduced, and there was no obligation on the House, because they had given the judge of the Admiralty Court 4,000*l.* a-year, to give the same salary to the judge of the Ecclesiastical Court. The only question was, whether or not it was better for this country to have the most eminent man in that branch of the legal profession at the head of the Admiralty Court; because, let it be observed, he was at the head of a great judicial department of the country. Puisne judges had 5,000*l.* a-year, but they were not heads of courts; there was a Lord Chief Justice of the Queen's Bench, a Chief Baron of the Exchequer, and a Chief Justice of the Court of Common Pleas, having not less than 8,000*l.* a-year. Was not the Admiralty Court an important branch of our judicial institutions? and if it was right that the judges of other courts should have high salaries, it was not less so with respect to the judge of this court, where grave questions were litigated—questions of international law—sometimes when the country was in a doubtful state of peace, and when nations were on the very eve of war, and at other times during war. It was, therefore, desirable, that the judge should be a person of the highest eminence; but a salary of 3,000*l.* a-year only was not likely to secure such a person, and the consequence would be, that the judge would have less authority and weight as to opinion, in the eyes of the public, than many advocates pleading before him.

Sir *R. Peel* said, that he came down to the House fully of opinion, that a sum of 4,000*l.* was not too much for the salary of the judge of the High Court of Admiralty. But then he looked at the opinion of Sir John Nicholl. Now at first view it might be supposed, that the opinion of Sir John Nicholl must of necessity be favourable to a high amount of salary; but when he recollected the great delicacy of mind which distinguished that eminent man, he could not but say, that he thought the leaning of his opinion must rather be to underrate than to overrate the salary to which the judge of that court ought to be entitled: the great probability was, that he would shrink from recommending the full amount of salary. But whatever might be the opinion of Sir John Nicholl, of this there could be no doubt—that it would be a most miserable economy to do anything which should deprive the country of the benefit of the highest talent at the bar; and this was especially true in the case of a judge who was not only English but European—one whose duty it was to maintain the character of British law throughout the world. He admitted, that if he were in office he should give great weight to the authority of Sir John Nicholl, but as her Majesty's Government had proposed that sum which was more in accordance with his first view of the question, he should adhere to his original opinion, and give them his support on the present occasion.

Mr. *Wakley* was not surprised to observe the right hon. Baronet taking her Majesty's Government under his protection. There had been a rumour afloat for some days, that the right hon. Baronet was on the point of setting off for his country residence. He (Mr. Wakley) sincerely wished, that that departure migh be as much expedited as possible, for he thought that Members of that House with whom he was in the habit of acting could manage Ministers much better in the absence of the right hon. Baronet than when he was present. The House had been told by the right hon. Baronet, that if he were in office he should propose to fix the salary of the judge of the Court of Admiralty at only 3,000*l.*, but finding, that the Ministers were pressed, he came to their relief, and declared himself in favour of 4,000*l.*

Sir *R. Peel* said, that he came down to the House entertaining a strong opinion in favour of a salary of 4,000*l.*, that he had conferred with some Friends on the subject, and that he still remained of that opinion. The hon. Member for Finsbury advised him, finding Ministers placed in a situation of difficulty, to unite with the Radicals for the purpose of embarrassing the Government. He begged leave distinctly to state, that, without having the slightest confidence in the present Administration, whenever they adopted a course in conformity with the principles he espoused, he should support them rather than enter into any factious combination in order to place Ministers in a minority. Such a course he considered most consistent with the principles of honour, and the independence of a public man.

The Committee divided on the original question:—Ayes 80; Noes 35:—Majority 45.

List of the AYES.

Adam, Admiral
Baring, F. T.
Barnard, E. G.
Blackburn, I.
Bowes, J.
Bridgeman, H.
Brownrigg, S.
Buller, C.
Burrell, Sir C.
Callaghan, D.
Cayley, E. S.
Clements, Viscount
Clerk, Sir G.
Codrington, Admiral
Craig, W. G.
Dalmeny, Lord
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Elliot, hon. J. E.
Filmer, Sir E.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Freshfield, J. W.
Gaskell, J. M.
Gordon, R.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Hastie, A.
Hawes, B.
Hawkes, T.
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Lascelles, hon. W. S.
Lowther, J. H.
Maule, hon. F.
Moneypenny, T. G.
Morpeth, Viscount
Norreys, Sir D. J.
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Palmer, C. F.
Palmer, G.
Parker, J.
Pease, J.
Peel, right hon. Sir R.
Pigot, D. R.
Price, Sir R.
Rice, right hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stock, Dr.
Surrey, Earl of
Teignmouth, Lord
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Ward, H. G.
Wood, Sir M.
Wood, Colonel T.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Wood, C.
Stuart, R.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Blair, J.
Broadley, H.
Brotherton, J.
Cole, Viscount
Currie, R.
De Horsey, S. H.
Duncombe, T.
Eaton, R. J.
Fielden, J.
Finch, F.
Gordon, hon. Captain
Hector, C. J.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hume, J.
Johnson, General
Leader, J. T.
Lowther, hon. Col.
Martin, J.
Morris, D.
Norreys, Lord

Palmer, R.
Parker, R. T.
Philips, M.
Sheppard, T.
Spry, Sir S. T.
Thompson, Alderman
Turner, W.
Vigors, N. A.
Waddington, H. S.
Wakley, T.

TELLERS.
Williams, W.
Wallace, R.

Blank filled up with 4,000*l.*, and clause ordered to stand part of the bill.

Mr. *Hume* moved a proviso to exclude the judge of the Admiralty Court from holding a seat in Parliament after the present Parliament. As his right hon. and learned Friend who now held that office had since his appointment been re-elected, he was willing to make the clause prospective.

Lord *J. Russell*, thought on principle such exclusions were generally bad. They should have some strong peculiar case to justify them in excluding persons of great talent and eminence from the House of Commons. He certainly thought there were those peculiar reasons to justify the exclusion of the Metropolitan Commissioner of Police; but he should say, in general, adopting the proposition to exclude persons filling the judicial office must tend to weaken the influence and impair the authority of the House of Commons. If they could, without objection, have persons sitting in that House eminent in talent and learning, their speeches must add to the public information, elevate the character of their debates, and even improve the decision they came to on particular questions. He saw no reason, for instance, why the Master of the Rolls should not be a Member of that as well as of the other House of Parliament. The judge of the Court of Admiralty was necessarily conversant with questions of great national importance; and it must be of advantage if he could attend in that House, and give them the assistance of his opinion. Several every eminent men there had been who had filled these situations, and yet had seats in that House. There was Sir William Grant, one of the most distinguished ornaments of Parliament, remarkable for the power and closeness of his reasonings, and for the great weight and authority with which he always argued questions of constitutional law in that House. There was also Lord Stowell, whose judgments had been referred to, and who always spoke with the greatest weight. Looking back to those times, he would ask, had it not been an advantage to the House that Sir W. Grant and Sir W. Scott had seats in it? The hon. Member for Kilkenny must also recollect that the inhabitants of the Tower Hamlets, or some other large constituency, might possibly feel disposed to elect a judicial officer for their representative, and if the proposition of the hon. Gentleman were agreed to, and extended to other judges, the choice of that constituency would be limited, and they would be told by act of Parliament that they would not be allowed to send as their representative to that House the person they deemed most worthy of their confidence. Then came the question whether the character of the judge would suffer in public estimation by being a Member of that House. With respect to the two eminent persons he had mentioned, their characters had not suffered in the least degree from sitting in the House of Commons. Sir W. Grant and Sir W. Scott, it was well known, had fixed and strong opinions on political subjects, and no one ever doubted the sincerity with which they held those opinions; but although they supported their opinions with much ability and energy, no one ever impugned their characters or questioned the rectitude and impartiality of their decisions. In his opinion, the proposition of the hon. Member would restrict the choice of the electors, and deprive that House of the commanding talents which had so often been productive of the greatest advantage to the House and to the country, and he should therefore vote against it.

Sir *R. Peel* said, that although it might seem strange to the hon. Gentleman the Member for Finsbury, he intended to act precisely on this question as he had done on the one which the House had just disposed of. On the former question he had voted from the impressions which he had formed before coming down to that House, and he should vote from his impressions on the present question, and those impressions were in favour of not allowing the Judge of the Admiralty Court to sit in Parliament. When the Metropolitan Police Bill was under consideration, he had voted against the chief officer of police sitting in that House, because he had considered that the duties of that office required the undivided attention of the individual who filled it, and because he thought that that officer ought not to take a prominent part in politics. He had come to the conclusion that it was better for the office that he who filled it should not sit in that House, and he had come to the same conclusion with respect to the office of Judge of the Admiralty Court. He did not think there was much force in the argument of the noble Lord opposite, that by adopting the proposition which had been submitted for their consideration they would limit the choice of the people in selecting their representatives. He could believe, if the Chief Justice of the Queen's Bench were a commoner, that many constituencies might feel desirous to return him to Parliament; but he did not think that it would be wise on that account to have that judge sitting in that House and taking an active part in their debates. The real question which they had to consider was, whether it was more likely they would secure respect for the judge, and the confidence of the public for his decisions, by excluding him from that House, or by permitting him to hold a seat, and to enter into the party contest and political excitement which prevailed. He thought to admit a judge to that House, and to place him in a situation where it was all but impossible that he should not lean to one party or another, could not tend to elevate his judicial character in the estimation of the public, and if such was really the case, then he thought it was wise to exclude the judges from that House. He was far from saying that the judge, because of holding a seat in that House, and from taking a part in political contests, would on that account give an unfair and partial decision on any case which might come before him; but he felt assured that it was impossible for the public to place implicit confidence in the judgments of those whom they saw constantly engaged in party warfare. With such impressions as to the judicial office, he would ask whether it would be any advantage to the character of the judge and whether it would tend to inspire confidence in the public, if that judge were to appear on the hustings before a popular constituency, and if he were to resort to those means for securing his election, which most men were obliged to have recourse to. In his opinion the Judge of the Admiralty Court had a European reputation, and that reputation would necessarily stand higher if he came before the public simply as a judge, than if he appeared as a political partisan. He did not deny that there was some force in the argument that it was advantageous for that House and for the public to have the judge of the Admiralty Court in the House, of whose opinions they might avail themselves. If, however, that judge was to take a part in their discussions, it would be difficult for him to argue strongly, to express his opinions freely, and to enter into all the excitement of debate without betraying his opinions on some point which might afterwards come before him in his judicial capacity for decision. If he did not give his opinions freely, he would be of little value in that House; and if he expressed himself without reserve, he did not see how it would be possible, in the heat of the debate, not to give some information indicating what his decision would be if the point at issue should come before him as a judge. He, therefore, thought that whatever the advantage was which the House might derive from his opinions, that it would be more than counter-balanced by the evil which would result from stating an opinion as a Member of that House on a subject which he might afterwards have to decide on as a judge. He believed it was better for the efficiency of the office that the judge of the Court of Admiralty should not sit in that House, and he believed it better for the character of the judge that he should not appear on the hustings, and on these grounds he should vote for his exclusion.

The *Solicitor-general* would ask whether it was the intention to carry out the proposition of the hon. Member for Kilkenny? Were judicial officers generally to be excluded from that House? If they were, then would he direct attention to the Recorder of London, the chief criminal judge of the metropolis, and he would ask, was he to retain his seat? And the right hon. Gentleman the Recorder for Dublin, was he to be still allowed to sit in that House? Were all Recorders to be excluded? Were the Chairmen of Quarter Sessions to be prevented from becoming Members of Parliament? He begged to be informed in what the distinction consisted between the judges he had named and the judge of the Court of Admiralty. On the principle that their duties were incompatible with a seat in that House, the objection was as strong to those individuals as to the judge of the Admiralty Court. Where were they to stop? If all judges were to be excluded, then, he would say, take up the general question; but let them not take advantage of this bill to introduce an unfair distinction. Had they not all experienced the advantage of having an eminent civilian in that House? And if they excluded him now, they would then exclude information which was often essential to their debates.

Sir *J. Graham* thought the hon. and learned Gentleman had been, indeed, pushed to an extremity, for there was certainly little analogy between Chairmen of Quarter Sessions and the Judge of the Court of Admiralty. He would beg the hon. and learned Gentleman to ask some of his Friends sitting on the Bench with him what course they had followed relative to the Chief Justice of Chester and the Welch Judges on a former occasion. Something also had been said about Masters in Chancery. Did the right hon. Gentleman the present Judge of the Admiralty Court recollect a motion which he had made, and the part he had taken in the discussion on that motion, relative to an Irish Master in Chancery—viz. Mr. Ellis? It was said that only the criminal judges ought to be excluded from that House, but the right hon. and learned Gentleman was himself one of the highest criminal judges in the country, when he sat as Judge at the Admiralty Sessions in the Old Bailey. As regarded recorders, it ought to be recollected that they were popularly elected, whereas the Judge of the Admiralty Court was appointed by the Crown. That was a distinction which was very material in the consideration of this question. Let the House consider what sort of cases came before the Judge of the Admiralty Court. In general they were cases relating to the property of shipowners, and the right hon. Gentleman in that House represented not only a numerous and populous constituency, but a constituency also which comprised the first shipowners in the kingdom. His duty was to adjudicate in matters in which many of his constituents were deeply interested, and though he had the most perfect confidence that no partial decision would be given, still such a position as the one he had described was not a position in which a judge ought to be placed. Unless they could show the gravest reasons why a judge should be placed in such a situation, he was clearly of opinion that he ought not to be thus subjected to the suspicions of the public, which could hardly be expected to place implicit confidence in his decision under such circumstances. It had already been decided that the judge of the Admiralty Court should have a seat in the Privy Council, and what were the cases on which in that capacity he would have to give his opinion? They were, many of them, cases relating to planters and to slave compensation, and such cases were not unfrequently brought under the consideration of the House. If they were so, the right hon. Gentleman, feeling strongly on those subjects, and entertaining conscientious opinions which he had never hesitated to make known, could hardly fail to express decided opinions, even on cases which might afterwards come before him as a Privy Councillor. He did not dispute the advantage of having an eminent civilian in that House; but let the House reflect what might be the results, if he were to express strong and decided opinions on questions which he might have afterwards to decide on as a judge. The question of peace or war often turned on the construction of treaties, and when such questions were before the House, it was almost impossible for one intimately acquainted with the subject to sit silent during the discussion; and he would be irresistibly tempted to enter the arena, and in a moment of excitement he might express an opinion decisive of the question. That opinion might, very probably, be different from what would have been given by the judge, calmly and deliberately weighing the matter in his own chamber. But the opinion expressed in that House might decide the question of peace or war, and he thought that no one would deny that hasty decisions on questions so important ought to be avoided. The right hon. and learned Gentleman had this Session brought forward a motion relative to the gum trade of France on the coast of Africa. That motion he had ably supported; but it was not unfair to suppose that if on that or on similar questions his constituents were deeply interested, he would be unable to avoid bringing it under the consideration of the House, and yielding, as others did, to the influence of his constituents; yet the decision on such questions might lead to the most serious results, and the high character and the great abilities of the right hon.

Gentleman could hardly fail to have an important effect in influencing the opinions of the House. The Judge of the Admiralty Court on such questions would have an unfair advantage over the other Members; but although he might gain in reputation in that House, he would, in proportion, lose his character as a judge on the bench. The opinion of Sir John Nicholl on this question was against the Judge of the Admiralty Court sitting in Parliament, and the committee had also expressed a similar opinion. On the question as to the salary of the judge the committee had expressed no opinion, but on this question they had given a clearer opinion, and had recommended that the judge should be made incapable of holding a seat in Parliament.

Dr. *Lushington* would have been reluctant to express any opinion on this subject if the motion had related to himself alone; but as such was not now the case, he should not hesitate to declare the opinion which he entertained. He had never entertained any doubt on the question; for the judgment which he had formed from the earliest moment that he had had the honour of a seat in Parliament was, that all disqualifications of Members of Parliament ought to be avoided. The only exception that he had ever admitted to that rule was in cases where, from the nature of the duties undertaken, it was impossible for the party undertaking them to discharge the duties of a Member of Parliament without violating those of his office. He thanked his right hon. Friend, the Member for Pembroke, for the allusion which he had made to the motion which he had proposed, and to the bill which he had introduced for disqualifying Mr. Ellis, a Master of Chancery in Ireland, from sitting in that House. He had founded that motion, not on the circumstance of Mr. Ellis being a judge, not on the ground that being a Master of Chancery he ought not to be a Member of Parliament, but on the simple fact that it appeared from papers laid on their tables to be impossible that he should be one of four Masters in Chancery in Ireland, and yet discharge his duties of Member of Parliament here. He recollected well the line of argument which he had taken upon that occasion from the circumstance of the late Mr. Tierney having told him, when he had concluded, that he had not expected such a train of reasons from him. He avowed, at that time, that he abhorred all disqualifications of Members of Parliament, no matter whether the disqualification was for being a commissioner of excise or a commissioner of customs, and that he hoped to live to see the day when in a reformed Parliament all such disqualifications would be swept away. Mr. Tierney smiled at his observation; but the real ground on which he justified his opinion was this—that where you can depend upon your constituencies there ought to be no disqualification save the inability of the party to discharge the duties of his office along with those of a Member of Parliament. He admitted that there was one exception even to this rule, and that was when a Member of Parliament accepted of an office which necessarily took him to a foreign country. That, however, was the only exception which he would admit. With respect to the proposition for excluding the Judge of the High Court of Admiralty from Parliament, he admitted that it was of little importance whether any single individual was excluded or not. All he contended for was the principle of non-exclusion. For he considered it to be of great importance that every constituency however numerous and independent it might be, should have the power of exercising a free selection, and that all the integrity, learning, and ability of the country should be at its choice and employment. It had been attempted to defend the exclusion now proposed by reference to the disqualification under which the judges of Westminster-hall laboured. Everybody knew that they could not sit in the House of Commons. Now, on what did that ancient disqualification of the judges rest? On this—that they were liable to be summoned to attend the House of Lords. They could not serve two masters; they could not be in the House of Commons when their duty to their constituents required their presence there, and, at the same time, in the House of Lords, when their presence was wanted to enlighten their Lordships. That, and that alone, was the ground of their disqualification. Now, let the Committee consider to what conclusion they must come, if it gave its sanction to the present motion. And here he would ask them to point out, if they could, any ground for excepting the Judge of the High Court of Admiralty from the principle which they applied to other judges who were now allowed to have seats in that House. Every objection that had been urged against permitting the Judge of the Court of Admiralty to sit in the House of Commons, applied with equal force against permitting the Master of the Rolls to sit there. First of all, let the Committee remark, that the Master of the Rolls presided in the Court of Privy Council, and that he was also a judge in appeals from the Court of Admiralty. Against him all the objections which had been urged against the Judge of Admiralty prevailed with equal force—for the suitors in his court, as well as those in the Court of Admiralty, might be among his constituents. But the Committee must not stop at the disqualification of the Master of the Rolls. They must also disqualify every member of the Judicial Committee of the Privy Council All persons who had filled high judicial offices were entitled, on retiring from those offices, to sit on that judicial committee; so that if hon. Members were prepared to carry out their own principles fully, they must exclude from the House of Commons not only all the present holders of high judicial offices, but also all the retired judges—not only of the Admiralty Court, but of every ecclesiastical court in the kingdom. If so, they must exclude from the House of Commons his most excellent and intelligent Friend, Sir Herbert Jenner, the judge of the Prerogative Court of London. But was that able and learned judge the only one whom they must exclude? No; his hon. and learned Friend (Mr. Vernon Harcourt) was the judge of the same ecclesiastical court in the province of York that Sir Herbert Jenner was judge of in the province of Canterbury. His hon. and learned Friend, however, was now Member for East Retford. Did the hon. Member for Kilkenny intend to exclude Mr. Harcourt too from the House of Commons? If so, let the hon. Member declare his intention at once, and introduce a general instead of a partial measure of exclusion for all judicial Members of the House of Commons. He declared, that if this proposition had merely affected himself personally, he should have been much inclined to preserve silence, but it affected high interests, and especially those of that branch of the profession to which he had the honour to belong. That branch of the profession might be a small one, but it was engaged in lofty pursuits of great importance to the intercourse of this country with the rest of the world. The members of it would feel this exclusion as a personal degradation. None of them, except the late Sir W. Scott, had ever entered the House of Lords; and if you shut against them the doors of the House of Commons, they would feel that you degraded not only them, but their profession too. It had been said, that, as Judge of the High Court of Admiralty, he might express in that House, on great national questions, opinions which might embarrass his judgment in his court, and that that circumstance might make him abandon occasionally the doctrines which he had propounded in the House; or that, if he stood by the interpretation of the law which he had given there, it might exercise an unfavourable influence upon his official judgments. Now, were hon. Gentlemen aware of what occurred in the High Court of Admiralty? If they would take the trouble of looking through the judgments of that eminent judge, Lord Stowell, he believed that they would find it difficult to point out among them a single case which had ever been discussed in that House; and he would tell the House why that was. The questions which came before the judge of the Court of Admiralty were principally questions touching the rights of neutrals in time of war. Now, the question of war was decided elsewhere than in the Court of Admiralty. He thanked his right hon. Friend, the Member for Pembroke, for the allusion which he had made that evening to a motion which he (Dr. Lushington) had introduced this very Session respecting the conduct of certain French cruisers on the coast of Africa. Undoubtedly, he had said, that France had in that quarter been guilty of a gross dereliction of friendly conduct towards England. But what harm was there in his having said that? By what possibility could he ever be called upon to discuss such a question in the High Court of Admiralty? Before such a question could ever arise there, it must have been decided elsewhere by the Government, and that decision would be in itself tantamount to a declaration of war. Hon. Gentlemen might not, perhaps, be aware, that until war is declared, no commission issues to the judge of the Court of Admiralty. That judge takes a new commission on the commencement of every war, and until that commission issued, he could not take cognizance of any such question as his right hon. Friend had supposed. It had been said, that he, representing a numerous constituency, consisting of a very opulent portion of the mercantile community of England, might be suspected—and he supposed, that he must thank the right hon. Member for Pembroke, for saying, that he would be suspected unjustly—of obstructing the pure course of justice when he had to decide as judge between parties who were both of them his constituents, but of whom one differed and the other agreed with him in political feeling. If such a notion were correct, the Committee ought to exclude from the House of Commons all persons who hold any sort of judicial office in the towns which they represent in Parliament. Act on that notion universally, and he would show them that there was not a single judicial officer that was not liable to the same objection. Take, for instanee, the case of his excellent friend, Sir Herbert Jenner. Suppose that he was a Member of the House of Commons. Might it not happen that he might sometimes be called upon to give judgment in a suit between two of his constituents for the recovery of large property bequeathed by will? Might not the same thing happen also to his hon. Friend, the Member for East Retford, who was Chancellor of the diocese of York? Might it not also happen to his hon. and learned Friend, the Member for Cardiff, who was also a judge —the judge, he believed, of the Court of Faculties? Let the committee also look at this question in a more important point of view, as affecting the safety and liberty of the subject. He would ask them to consider what would be the state of every recorder in the kingdom, supposing the principle contained in the amendment of the hon. Member for Kilkenny were this evening adopted by the committee? What would be the state of every recorder in the kingdom? What would be the state of the recorder of the City of London, who happened to be a Member of the House of Commons? In case of an indictment for forgery, where the prosecutor and the prisoner were both his constituents, in what a situation, according to the hon. Gentleman opposite, would he be placed? But they might, perhaps, tell him that the recorder of London was appointed by the people, and not, as the Judge of the High Court of Admiralty was appointed, by the Crown. On what ground did that distinction stand acknowledged by the committee? He contended now, as he had always contended, that the right principle was, that whenever a Member of the House of Commons was appointed to a new office, he ought to vacate his seat. He ought to be sent to his constituents to give them an opportunity of deciding whether he had fulfilled his duty to them by accepting that office. He called upon the committee, if it intended to proceed with this disqualifying clause, to carry it out at once universally. It would never do to try it piecemeal, and to level it against particular individuals. If they thought it ought to be adopted in one case, it ought to be adopted in all, and they should bring in a general bill of disqualification, to comprise every similar office. Let it apply to the Master of the Rolls, and to the holders of other similar judicial offices. But would that be either just, wise, or politic? His noble Friend below him had alluded to the benefit which the House had derived from the presence of those two luminaries of the law Sir W. Grant and Lord Stowell, who were both judges, and both Members of the House of Commons, and had asked them to consider how much they would have lost had they deprived talent, ability, learning, experience, and integrity like theirs, of the privilege to sit in Parliament. He would ask them whether they could point out a single evil that had arisen, or a single violation of what was just, right, and expedient, that had been committed, in consequence of the eligibility of those two learned personages to a seat in that House? He was neither vain enough nor weak enough to place himself in comparison with those two learned judges; but he thought that he had a right to ask the committee whether they deemed it a legal matter to exclude from Parliament men of a lower grade of intellect, who were now filling the offices formerly held by those whose honoured names he had just mentioned. He implored the committee to pause before it gave its sanction to any such proposition as that which was then before it. It was not his own case that he was pleading—he was pleading the cause of his professional brethren, to whom he was bound by many strong ties. He would only repeat what he had said on a former occasion to Lord Althorp when it was proposed to exclude the judge of the Court of Admiralty from a seat in the House of Commons, that whatever might be his own feelings upon the subject, his regard for the profession to which he belonged would also prevent him from consenting to any measure which would disqualify his office.

Mr. *C. Villiers* was opposed to this attempt to disqualify the judge of the Court of Admiralty from sitting in the House of Commons. The judges of Westminster-hall were not excluded from the privileges of legislating for their fellow countrymen; and at present two of them, who went the circuit, the Lord Chief Justice and the Lord Chief Baron, were Members of the House of Lords. He could not refrain from suspecting that there was something of caprice and of personal motive in this attempt to exclude the judge of the Court of Admiralty from that House. Why should the judicial and legislative functions be so completely kept apart? The House of Lords was at once a judicial and a legislative body. He contended that, by the mode of legislation now proposed, we were carrying the principle too far of withdrawing every judge from popular control. Was there no other control save that of the people to which the judges of the land were liable?

Mr. *C. Buller* observed, that the argument against the sitting of judges in that House, applied equally to judges sitting in the other House of Parliament. It was but a few years back that a Peer, who was both a civil and a criminal judge, actually led one of the parties in the House of Lords. He protested against applying the principle to this House alone, when they allowed the House of Lords to be decorated by the highest judicial talent.

Mr. *Hawes* remarked, that if the grounds stated by his right hon. and learned Friend (Dr. Lushington) for voting against exclusion were valid, then the House ought to repeal the clause which they passed the other day incapacitating the chief commissioner of the city police from holding a seat in Parliament. He thought that in all cases, legislative ought to be separated from judicial functions.

Lord *J. Russell* considered that the principle of exclusion ought to be applied to all judicial officers, if it was applied to any. He did not think that it ought to be carried so far as to exclude the chairman of the quarter sessions; but if the judge of the Admiralty was to be declared incapable of holding a seat in any future Parliament, while the Recorder of London and the Recorder of Dublin were allowed to retain theirs, this would, he must say, be partial, he had almost said party, legislation.

The Committee divided on Mr. Hume's proviso:—Ayes 51; Noes 61—Majority 10.

List of the AYES.

A'Court, Captain
Blackurne, I.
Blair, J.
Broadley, H.
Brownrigg, S.
Burrell, Sir C.
Clerk, Sir G.
Cochrane, Sir T. J.
Cole, Viscount
Currie, R.
De Horsey, S. H.
Douglas, Sir C. E.
Duncombe, T.
Ewart, W.
Fielden, J.
Gaskell, J. M.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hawes, B.
Hawkes, T.
Hector, C. J.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Howard, P. H.
Hutt, W.
Inglis, Sir R. H.
Johnson, General
Lascelles, hon. W. S.
Leader, J. T.
Lowther, hon. Col.
Lowther, J. H.
Norreys, Lord
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval, Colonel
Philips, M.
Sheppard, T.
Teignmouth, Lord
Thompson, Mr. Ald.
Turner, W.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
Wilmot, Sir J. E.
Wood, Colonel T.

TELLERS.

Hume, J.
Williams, W.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Baring, F. T.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Buller, C.
Callaghan, D.
Cayley, E. S.
Clements, Lord
Craig, W. G.
Dalmeny, Lord
Elliot, hon. J. E.
Filmer, Sir E.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Freshfield, J. W.
Gisborne, T.
Gordon, R.
Grey, rt. hon. Sir G.
Hastie, A.
Hindley, C.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, Sir R.
Howick, Lord
Hutton, R.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Parker, J.
Pigot, D. R.
Price, Sir R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord,
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Steuart, R.
Thompson, rt. hn.C.P.
Thornely, T.

Troubridge, Sir E. T.
Villiers, hon. C. P.
Ward, H. G.
Wood, C.
Wood, Sir M.
Worsley, Lord
Yates, J. A.

TELLERS.

Maule, F.
Adam, Admiral

Original clause agreed to.

Clause 2 having been proposed, granting power to the Crown to raise the salary of the registrar from 1,400*l.* to 2,000*l.* in time of war, or other extraordinary circumstances, causing a great increase of business,

Mr. *Williams* said, he should diivde the Committee against it.

The committee divided:—Ayes 75; Noes 5—Majority 70.

List of the Noes.

Ewart, W.
Gisborne, T.
Hector, C. J.
Vigors, N. A.
Wakley, T.

TELLERS.

Hume, J.
Williams, W.

We think it enough to give the Noes.

Clause agreed to.

On Clause 5, empowering her Majesty to grant a retiring pension of 2,000*l.* to the judge,

The Committee again divided:—Ayes 68; Noes 3—Majority 65.

We give the Noes.

List of the Noes.

Duncombe, T.
Hume, J.
Wakley, T.

TELLERS.

Williams, W.
Hector, C. J.

Clause agreed to.

Mr. *Hume* proposed a new clause, providing that persons who took degrees at the London University should be qualified to practise in the Admiralty Court, in like manner as graduates of the Universities of Oxford and Cambridge.

On the question that it be added to the bill,

Mr. *C. Wood* said, he was not disposed to object to the principle of the Clause.

Sir R. Inglis opposed it.

The Committee divided:—Ayes 67; Noes 0—Majority 67.

The Tellers for the Noes were Sir R. H. Inglis and Colonel Perceval.

Clause added.

House resumed.

HOUSE OF LORDS,

Friday, August 2, 1839.

Minutes.] Bills. Read a second time:—Judges and Jurors (Ireland).—Read a third time:—Lower Canada Government Bill; Custody of Infants; Payment of Debts out of Real Property Amendment; Metropolis Police.

Petitions presented. By Viscount Falkland, from Montrose and Cleesh, for further Church Endowments.—By the Earl of Ripon, from Lambeth, against the Rural Police Bill.

Portuguese Slave Trade.] Lord *Brougham* said, he had now to call their Lordships' attention to a subject of the deepest importance to the interests of humanity and justice, but also to their Lordships' character and proceedings; for as their Lordships would be the last persons to regard any expression of animadversion upon a deliberate act, nevertheless they would, like all rational men—men of firm conduct and resolution—be the last to wish to labour under any misapprehension with their fellow-subjects, which any course they might adopt might seem to bring on. Without going further, he should now, after one or two remarks on its nature, move the address which he held in his hand. There might be a difference of opinion with respect to the bill which had last night been discussed on its principle, and rejected. He alluded to the Slave Trade (Portugal) Bill. There might be a difference of opinion on that bill—some might think that it was consistent with principle to reject it; others might think that the preamble of the bill contained statements of a great number of particulars which might not be correct, and which required some proof of their accuracy; others, again, might hold that it was inconvenient to pass such a preamble. All these sentiments might have actuated some of their Lordships, without a shadow of a difference of opinion prevailing in that House respecting the great object which all had in view—namely, by all legitimate means to endeavour to put down the Portuguese slave trade. At the same time, if it went out to Portugal and to the Brazils that so grave and venerable an authority as the House had rejected the bill to which he had adverted, he was extremely apprehensive that the consequence would be to appear to give a sanction, which none of their Lordships intended, to the proceedings in the African slave trade by Portugal and the Brazils, and that encouragement could be given to that infernal crime, as he must call it. He regretted that he, by accident, was absent last night. That being the case, and believing the general desire of their Lordships to be to put an end to the slave trade, he would move, "That an humble address be presented to her Majesty, praying her Majesty, by all the means within her Majesty's power, to negotiate with the Governments of foreign nations, as well in America as in Europe, for their concurrence in effectually putting down the traffic in slaves, and also that her Majesty will be graciously pleased to give such orders to her Majesty's cruisers as may be most efficacious in stopping the said traffic, more especially that carried on under the Portuguese and Brazilian flags, or by the Brazilian and Portuguese ships; assuring her Majesty that this House will cheerfully concur with the other House of Parliament in whatever measure might be rendered necessary, if her Majesty shall be graciously pleased to comply with this prayer." He was morally certain, that if both Houses of Parliament were to carry a joint address to the throne, not only would no harm arise from a misapprehension of what had passed on this subject, but by thus showing there was discrepancy of opinion between the two Houses of Parliament (which he should deeply deplore, as being calculated to weaken the authority of the country in negotiation as well as in action). He hoped the same good and advantage would be gained as could have been hoped for or been expected from the bill which was last night rejected. His object was at once to prevent any misunderstanding of what took place last night. He knew it was no more the intention of their Lordships by their proceedings of last night to give sanction to a Portuguese pirate bringing an action for damages against any officer who might board and capture him in his illegal traffic than they would sanction any felon whom he might seize in the commission of a felony bringing an action of assault and battery. It was to enable their Lordships to give the same answer to the Portuguese felon as would be given to an English felon that he moved this address. Much of the utility of his motion depended on its immediately following the proceedings of last night, for delay would take away from the grace of the explanation it afforded.

The Earl of *Wicklow* thought the resolution ought not to have been brought forward without notice. He should, however, offer no opposition to it.

Viscount *Melbourne* said, it was with deep concern he had witnessed the decision of the House last night. He feared the consequence of that vote if not counteracted as speedily and effectually as possible. He feared also that the motion of the noble and learned Lord would not have the effect of entirely doing away with the evils of that vote—he feared it would not remove the unfortunate impression which necessarily would be raised. He thought the decision of last night would inflict a severe blow on the foreign policy of the country—would tend to the diminution of the dignity of the country amongst foreign powers, and of the influence of the Crown upon other nations, and would prove most injurious to the great cause of humanity in which hitherto this country had had taken so distinguished a part. He quite agreed with the noble Lord opposite (the Earl of Wicklow), that in ordinary cases it would not be according to the usual proceedings and due deliberations of the House to pass a motion of this kind without notice, but it was the urgency of the case which made it fit and proper to be speedy, and if the motion were to be adopted at all, it ought to be adopted at once.

Lord *Colville* said it was necessary to take some steps for the protection of naval officers engaged in putting down the traffic in negroes.

The Earl of *Minto* concurred with the noble Lord. He distinctly stated last night, that although the Government might take upon itself the responsibility of issuing orders, they had not the means of protecting their officers in the execution of those orders, which was the reason why the measure was proposed which their Lordships had so unhappily rejected.

The Duke of *Wellington* said, that having proposed to their Lordships on the previous night that they should reject the bill which was proposed by the noble Earl who had just sat down, it was necessary that he should address a few words to them on the present occasion. The noble and learned Lord had been engaged for several years in promoting means for the suppression of the slave trade; but no person, not even the noble and learned Lord, could denounce in stronger terms than he had done the continuance of that frightful traffic, or more strenuously insist upon the fulfilment of those engagements which foreign powers, and Portugal in particular, had made with this country in reference to this subject. But in order to accomplish those objects a proper course should be taken. First of all, it should be attempted by negotiation; and next by stronger means, if necessary, by the Crown, and by the Ministers of the Crown on their own responsibility. Parliament should not be called on in the first instance, and without any knowledge or communication on the subject, to legislate in the manner and according to the terms of that bill. When he came to look at the preamble of the bill, it appeared to be not of that nature which he considered it ought to have been, and that the case was not so made out as to call upon Parliament to vote for that bill. The noble and learned Lord himself was not far from being of the same opinion with regard to that part of the bill. He had no objection to the first part of the resolutions for an address to the Crown; he was willing to to concur in any measure that Parliament might think proper to proclaim and insist upon a general discontinuance of the slave trade by all the powers, and particularly the Portuguese and Brazilian Governments, for the suppression of that part of the slave trade carried on under the flags of Portugal and the Brazils. With respect to the latter part of the resolutions, if her Majesty's Government thought proper to give any orders, or carry any measures into execution, for the suppression of the slave trade, they would be responsible to the country and to all Europe for them; and he should have no objection, when those measures were brought forward, and he saw grounds upon which they should be adopted, to give his consent to them, if her Majesty's Government thought proper on their own responsibility to adopt them. But he must confess that he did not like this mode of proceeding. He did not like to propose to their Lordships to do a thing one day, and then to have the noble and learned Lord pursuing a course which he did not think quite fair, he being absent from the debate last night, by coming down that day and proposing that their Lordships should agree to the address he had moved upon the principle of doing the very thing which the House before refused to do. If it were the last act he performed in that House, he would not vote for the address upon that principle. No man was more desirous than he to put a stop to the slave trade, although the noble Viscount was pleased to say that he had deserted the government, and turned his back on them and on the Crown. He begged to tell the noble Viscount that he believed he would find him sticking to the Government and to the Crown a great deal longer than he himself. The noble Lord would find him always performing his duty according to the best of his judgment, and according to his conscience, upon all occasions. If the latter part of the resolution were to be taken in the sense in which the bill had been proposed, he should earnestly recommend and entreat their Lordships not to vote for it. He was perfectly ready to vote for any motion pledging the House to support the Crown in any measures the Crown might think proper to adopt in order to put down the slave trade, and to enforce the execution of the treaties made by other powers with this country for that purpose. But he could not pledge himself to say that he would vote for a resolution in such a shape as that the sense should be, that their Lordships should agree to that which on the previous night he had called upon them to reject.

Lord *Brougham* intended the resolution to be taken in the plain and obvious meaning of the words which composed it, and there was nothing in it which could possibly prevent the noble Duke from agreeing to it, for there was nothing that would imply that in doing so he could be chargeable with the slightest shadow of a shade of an inconsistency in his course. All sides of the House were agreed upon the necessity of taking measures to put down the slave trade, and the only difficulty was upon a point of form, a mere technical difficulty, which he had endeavoured to meet by putting his resolutions into its present shape.

The Marquess of *Lansdowne* agreed with the noble and learned Lord that it would be a misfortune to this country, and to all Europe, that the vote of last night should go out to Portugal and to the world unexplained or unaccompanied by the resolutions for the address just moved by the noble and learned Lord. But the noble Duke had declared that he would not vote for that address in a sense which would pledge the House to the support of any measure similar to that proposed last night and rejected. He must say, however, that unless that address were followed up by measures consistent with the spirit and meaning of the resolution, none of her Majesty's servants who were engaged abroad in efforts to suppress the slave trade would be safe. With regard to the preamble of the bill to which the noble Duke had objected, he must remind their Lordships that papers had been lying on the table for months which justified that preamble. He asserted, also, that there was nothing in the case of Portugal, which the noble Duke seemed to think was stated nowhere, which had not been stated again and again, not by one minister, but by every minister of Portugal, and which had not been refuted by the Queen's Ministers; which statements and refutations were before their Lordships when they were pleased to reject the bill. If their Lordships had read those papers, they must have found the alternative stated, after exhausting every argument, and hearing every statement, and refuting every statement of the Portuguese government—that driven by the necessity of the case, Lord Palmerston announced the Government must apply for means to coerce the Portuguese government into the performance of the engagement to which it had pledged itself—namely, the effectual abolition of the slave trade. Would it not be considered a libel on that House, if Lord Palmerston had said that it was necessary to take measures to that effect, to say that the House of Lords would not grant the necessary powers? The papers on their Lordships' table contained every thing that every statesman of Portugal had advanced upon this question, and every answer of the Ministers of this country to their communications, and upon those papers the preamble of the bill, although it was said not to contain the case of Portugal, was based. He would do justice to the noble Duke and the noble Lords opposite; they condemned the horrors of this traffic. But the question was not as to moral feelings, but as to the means to be taken for putting it down. In all the discussions which had taken place on the abolition of the slave trade, nobody ever failed to express his horror at the slave trade; but while persons did that, they were not slow to find reasons for withdrawing their countenance from all the measures which were brought forward to put it down. He must declare to their Lordships, that short of that bill which they had rejected, and short of those measures which in furtherance of those orders which the Government would be called on to make, they would have no means of proceeding with Portugal, which had not already been exhausted, but the last resort of going to war. There he joined issue with the noble Duke; and he said that with Portugal we ought not to go to war, until we had called upon Portugal to fulfil her treaty, and until the Government was armed with powers by Parliament, and by the consent of the subjects of the Crown, to enforce that treaty by proper and legalized means. We ought not to resort at once to the last alternative with an old ally, as the noble Duke was always pleased to call Portugal; we ought not to proceed thus far, without attempting first to produce the desired effect by every other means. An opportunity should be afforded to Portugal to acquiesce in the provisions and propositions of the bill which had been before their Lordships. He should say, that the Government of this country would neglect its duty and regard to an old ally, by plunging into a war, without first allowing Portugal a *locus pœnitentiæ*. The means which it was proposed under the bill to adopt, and which it would be necessary to propose under the address now moved for, unless their Lordships intended that the resolutions should be mere waste paper, were to enable the Queen's subjects and servants legally and honestly to execute the Queen's commands for scouring the seas and purging the world of that nefarious traffic, which it was now seen, year after year, in contempt of the faith and obligation of treaties, had been carried on by parties connected with, or protected by, the Portuguese government. He did not mean to say, that their Lordships, by adopting the resolutions of the noble and learned Lord, would pledge themselves to any particular measure, but they would pledge themselves to any measure, whatever that measure might be, which would be necessary for the purpose of giving effect to that which, notwithstanding the vote of last night, he still believed their Lordships were most anxious to effect—namely, the exercise, and the lawful exercise, of the whole power of this country to perform one of the greatest acts of moral justice which any country was ever called upon to perform.

The Duke of *Wellington*, in explanation said, that what he had said in reference to the preamble of the bill which was thrown out last night, was, that the provisions of the treaty of 1837 were not therein inserted. He also clearly stated that there was a distinction between going to war with the Crown and by Act of Parliament. He had said, that some measures were necessary to enforce the treaties into which they had entered, and to put an end to the slave traffic; but those measures ought to have been taken in the old and constitutional mode, by a message from the Crown. If that plan had been adopted, the whole case would have been brought before Parliament, before the public of England, before Portugal, and before the world, in a manner conformably with the law of nations, and it would then also be brought before the world in a much more creditable manner for this country than it could be by an Act of Parliament directed against the subjects of Portugal. Such an Act of Parliament as that which had been proposed was a complete novelty, and he could not see how it could be adopted by their Lordships without occasioning such a sensation throughout Portugal and throughout the world as could not fail to place in danger some of the most important interests of England, and to be productive of the most serious inconvenience. And if the address which had been proposed by the noble and learned Lord meant that they should proceed to enforce the slave-trade treaties with Portugal in any other than the usual methods — viz. by the adoption of those measures which might be considered necessary, on the responsibility of the Ministers of the Crown, then he for one, felt that he could not, as a Peer of Parliament, consent to that address. The first step in cases like the present ought to be made by the Crown, and if the Crown adopted that course, and if Ministers called for the assistance of Parliament in order to carry the measures which they might deem necessary into execution, then when Parliament saw those measures it would be for their Lordships to decide upon their merits.

Lord *Brougham* said, there could not be a doubt that the address only called on the Crown and on the Government to take the most efficacious measures for enforcing the treaties with Portugal, and terminating the slave-trade. But the address did not propose that Parliament should share the responsibility of those measures with the Government. The whole responsibility rested with the Government, and it was not proposed to divide that responsibility. No such pledge was given, and the only pledge which the address contained was, that Parliament would give assistance to the Crown, and an indemnity against the consequences of all constitutional and proper measures, which the Government might adopt in order to carry into effect the wishes of Parliament for the termination of the slave-trade.

The Earl of *Haddington* entirely concurred in what had just fallen from the noble and learned Lord, and he was sorry to interpose, but for a few moments, to prevent the vote upon this address, which he trusted would be unanimous, after the explanation of its objects which had been given. But after the tone which had been adopted by noble Lords on the other side of the House, and after the extraordinary language which they had thought fit to use as to the conduct of some of their Lordships relative to their Slave Trade Bill last night, it was impossible for him to allow the debate to terminate without attempting to vindicate the vote which he and other noble Lords on the same side of the House had given. But, although noble Lords opposite had condemned in no measured terms the vote which had last night been come to, they had not been pleased to enter into the merits of the question at issue, or to consider the reasons for the course which their Lordships had pursued, and which had been stated with so much ability by the noble Duke. They had not attempted to answer the arguments used by the noble Duke, nor had they referred to the real motives which had induced their Lordships reject the bill. But, although they had not entered upon the merits of the point at issue, they had thrown out insinuations as if noble Lords on the Opposition side of the House were unwilling to interfere very strongly to put an end to the abominable traffic in slaves. He could say, with all sincerity, that he entertained as great a horror of the slave trade as it was possible for the noble Earl to do; and if the measure which had been proposed with the view of putting an end to that trade had been constitutional, and consistent with precedent—if it had been the only measure which it was possible to adopt, he should have supported it. But what noble Lords on his side of the House contended was, that the measure which had been brought forward, while unconstitutional, was not the only one which might have been adopted. By the measure which had been proposed, Parliament was placed in the position of the Crown, while it was for the Crown to act, and for Ministers to come to Parliament to ask for its assistance in carrying out the measures for which they alone ought to be responsible. Ministers proposed in fact, to declare war against Portugal by an Act of Parliament, and he thought such a course most objectionable, and as regarded Portugal, most unfair. If the usual and constitutional course had been adopted, Portugal might without loss of honour, have yielded to strong representations: but by the measure which had been proposed, Portugal was denied the power of complying with the wishes of this country. It was too much, in such a case, for the Minister to come down to Parliament and to tell their Lordships that they were responsible for rejecting a measure unconstitutional in its character, and most unjust towards Portugal. Those who proposed new modes of proceeding, and who departed from the usual and constitutional course, were alone answerable for the consequences, and not the Parliament, which was willing to consent to measures introduced in the regular mode, and to support the Government in such a course as was consistent with the law of nations. The noble Earl (Minto), and the noble Marquess opposite (Lansdowne), had appeared to wish to throw the torch of discord amongst their Lordships, and as if their object had really been to create a difference of opinion where unanimity was so desirable. He trusted the address would be voted unanimously, but on the clear understanding that Parliament, by adopting that address, was not taking upon itself the responsibility which ought to rest wholly with Ministers, nor pledging itself to measures of which it knew nothing.

Lord *Wharncliffe* observed that it was most extraordinary for Ministers to say, that if their Lordships agreed to this address, they must also, in consequence of voting it, agree to some such measure as they had last night rejected. Their Lordships were not responsible for the measures of the Government, and all they did by agreeing to the address was to assure her Majesty of the support of Parliament in the efforts which her Majesty might make for the suppression of the slave trade. It was the duty of the Ministers to take the initiative, and on them the responsibility for the course which they might adopt ought alone to rest.

The Earl of *Ripon* said, that if he understood the address, it referred to Portugal alone, and to the violation of certain treaties by that country. Now, it was perfectly right for England to enforce the due execution of those treaties, and it was clear from the preamble that such was the main ground on which their Lordships were called upon to support the measure brought forward by the Government. But, in the first clause, other powers than those necessary for enforcing those treaties were to be granted, and which did not refer to Portugal alone. A power, in fact, was given to capture vessels of any nation, for it was said that it shall be lawful for any person, by an order from the Commissioners of Admiralty to seize any vessels engaged in the slave trade, and the slaves found therein, and to bring the same to adjudication in the High Court of Admiralty of England, and indemnity was granted to all persons acting on the authority of those orders. That was a most extensive power, and one to which other nations could not consent.

The Earl of *Minto* undoubtedly apprehended that the power to which the noble Earl had referred was indispensably necessary, and he would tell the noble Earl why. The clause was directed against those ships only which could establish no legal national character. It was perfectly easy, when he had brought one of the slavers before a mixed Commission Court, for her to produce papers which would show that she was not legally navigating under the flag of Portugal, and, in truth, not legally navigating under any flag whatever, and that she was, in fact, a pirate. The consequence was, that this was a bar to proceedings under the mixed commission. The clause was necessary, in order to meet such cases, as it was enacted that a Court of Admiralty should have cognizance in all cases in which a ship could not prove any legal national character. He was bound in candour to tell their Lordships, that if it should be apparent that they were still determined to withhold the power which the Act would give, they might have spared themselves the trouble of voting for the resolution, because it would be impossible for the Government to act upon it.

Resolution agreed to, and ordered to be communicated to the other House of Parliament.

THE WARWICKSHIRE MAGISTRATES.] The Earl of *Warwick* said, that he would not have interrupted the House proceeding to the order of the day, if he was not about to leave town to-morrow. Their Lordships would recollect that he had been called upon to make some observations respecting the magistrates that had been appointed in the town of Birmingham, and to advert to the return that had been made respecting these Corporation Magistrates. In consequence of what he had then felt it to be his duty to say, he had been attacked in the public press, and a number of letters had gone abroad reflecting on his conduct. In these papers, the parties who had attempted to fix accusations on him, had made use of false statements. He was the last man to make complaint of comments being made on his conduct as a public man, and he had almost been induced to pursue the same course in this instance that he had done in others, and take no notice of the statements. On consideration, however, he felt that he was bound to say a few words in reference to the charges that had been made against him for the manner in which he discharged his duty as Lord-lieutenant of Warwickshire. To the whole of the statement that he had made in the House on the former occasion he adhered to the very letter. The charge that had been brought against him, as to his recommending persons to be appointed magistrates, was of a very serious character. It had been asserted that he looked entirely to the political feelings of those he recommended to be placed in the commission of the peace rather than to their qualifications for the office. He would not allow a charge to be made against him without stating that it was not true. If their Lordships pleased, he would re-state what he had asserted the other night. He then stated, and he now repeated it, that not one individual in the county of Warwick had been recommended by him to be placed in the commission of the peace, because his politics agreed with his own, or that he had ever refrained from recommending a person because he differed from him in politics. It might be that there were many proper and deserving persons in the county of Warwick who were well fitted to act as magistrates, but he had not refrained from nominating them from any political feeling. He had been Lord-lieutenant of Warwickshire for seventeen years, and he had been charged during that time with having nominated many acting clergymen as magistrates. Now, during this period of seventeen years he had only placed twelve clergymen on the Commission. In the first year of his lieutenancy he had named six, and in the last sixteen years the other six. In the last Commission only one was nominated. He had been very much pressed, however, by many gentlemen to place clergymen on the list of magistrates, and he had often been told that his neglecting to do so had proved injurious. He did not believe that on this point any person who held the situation which he had the honour to hold had been more scrupulous than himself.

Subject dropped.

REGISTERS OF BIRTHS, &c., BILL.] Viscount *Duncannon*, on moving the second reading of this Bill, said that its object was to make provision for the safe custody of the registers kept by Dissenters, and also to make them available for particular purposes. Some difficulties were experienced by the Commissioners in getting copies of registers from certain bodies of Dissenters. The great body of Dissenters had agreed to give them, but in some cases the application was met with a refusal. This was the case with the Jews, also with the Roman Catholics, who had positively declined, and also the Quakers. The latter, however, had always kept most accurate registers of the members belonging to their body, and he believed that they possessed 1,400 volumes of this register. About 7,000 registers had already been delivered in compliance with the requisitions of the commissioners. The object of this bill was, that these registers, after having been examined and properly attested by the commissioners, and deposited with the Registrar-general, should be admissible as evidence in courts of justice.

The Bishop of *London* approved of the bill as far as it went to transfer all these registers into a place of safe custody; but objected to it in so far as it went to place documents which had been hitherto declared inadmissible in courts of justice, on precisely the same footing in point of admissibility as evidence, as the ancient and recognized registers of the country. An additional ground of objection, in his opinion, to the bill was, that it would give the same legal weight to copies of registries kept by dissenting bodies, but certified by the Registrar-general, as was now given to the originals of our own parish registrars, every entry in which was personally certified by the clergyman. But he had a personal objection to make as regarded the conduct of the commissioners towards himself, in regard to the registry kept under his inspection as Bishop of London. The commissioners were composed half of members of the Church of England and half of Dissenters. There was one dissenting clergyman among them, but not one clergyman of the Church of England. They had applied to all bodies in the kingdom known to have baptismal registers, to transfer them to their hands pursuant to the terms of their commissioners. From some of these they received flat refusals, while others complied with considerable hesitation. From the Jews and Roman Catholics they did not propose to take them away; but from the Bishop of London they did not hesitate to take away his register without his consent. He by no means meant to say that he would have refused, had his consent been asked; but they might at least have paid him that compliment, after the registry had been in the keeping of the Bishop of London for a century and a half. He ought at least to have been treated with the same courtesy that had been extended to the Jews and Roman Catholics, and to dissenting bodies. With respect to the bill generally, he entertained the objections he had stated. This was a question that had hitherto only been considered by those civilians who formed the commission, and he thought it was one which the representatives of the clergy in that House ought to have an opportunity of fully considering. For so important a subject the bill was introduced at a very late period of the Session.

Lord *Lyndhurst* had not had the opportunity of reading the Bill, which, however, he had understood, was for the purpose of providing a place of safe custody for these registers. If he went further, and made those registers admissible as evidence which had been pronounced by the judges inadmissible, it was very necessary that they should pause before giving their assent to such a measure when introduced at so late a period of the session, and one which noble Lords had not had time to consider.

Viscount *Melbourne* observed, that no objection seemed to be raised to this bill, in so far as it went to provide a place of safe custody for the registers. The other provisions of the measure seemed to have been misunderstood. It merely enacted that the certified copy of the registry should be admitted as such; but it did not go the length of declaring that it should be admitted as valid evidence.

The Bishop of *London* observed that the commission itself, as recited in the preamble, directed the commissioners to consider and advise the proper measures to be adopted for giving full force and effect as evidence in all courts of justice to all such registers as were found accurate and faithful. Surely this was a power that ought to be lodged in the judges only.

Lord *Lyndhurst*, looking at the great importance of the bill, the objections raised to its main provisions, and to the fact that it had not been brought up from the other House until the 18th of July, thought it would be much better that a similar measure should next Session be introduced in their Lordships' House, when it could receive due consideration. The noble and learned Lord concluded by moving that the bill be read a second time that day three months.

The House divided on the original question:—Contents 38; Not contents 69; Majority 31.

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Normanby
Conyngham
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Gosford
Fingall
Craven
Charlemont
Leitrim
Ilchester
Minto

VISCOUNTS.
Melbourne
Duncannon
Lismore
Falkland

BISHOPS.
Chichester
Peterborough

LORDS.
Foley
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Stanley of Alderley
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Stuart de Decies
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Downes
Mountcashel
Montrose
Selkirk
Combermere
Eglintoun
Bandon
Hood
Glenlyon
Braybrooke
Longford
Downshire
Lonsdale
Beaufort
Rodney
Bute
Jersey
Exeter
Dartmouth
Verulam
Buccleuch
Buckingham
Sinclair
Sheffield
Wilton
Hertford
Forester
Strangford
St. Vincent
Prudhoe
Grantley

Bill put off for three months.

MUNICIPAL CORPORATIONS (IRELAND)]. On the bringing up the report, and on the question that the amendment be agreed to,

The *Lord Chancellor* proposed the restoration of the 6th clause in the form in which it originally stood. The clause had been framed upon the principle adopted in the English and Irish Reform Acts, and the English Municipal Corporation Act, and the effect of it was to preserve the inchoate right of voting of persons who by any means should become freemen. The effect of the amendment was to extend the right of voting to all persons who should hereafter have the capacity of becoming freemen, and this was complained of, because the consequences would be that the power of corporations to manufacture honorary freemen would be reinstated; all rights should, no doubt, be maintained, but that was not the effect of this clause, but it was rather to confer new rights, and new powers. The noble and learned Lord (Lord Lyndhurst), by whom this clause had been amended, was doubtless unaware of the effect which his amendment would have; but, although he was so unaware of it, those by whom the clause had been submitted to him, were evidently pretty well acquainted with the history of corporations in Ireland.

Lord *Lyndhurst* said, that the effect of the amendment would not be to extend the power of voting one iota beyond that which existed before this bill. The amended clause was allowed to remain in the original amended bill, and was actually agreed to by the House of Commons, and he thought that it was not very fair now at almost the latest stage of the measure, to propose this re-alteration of the proposed provision. If the original clause were allowed to stand, a large body of persons who had hitherto been entitled to vote would be disfranchised, and therefore it was that the principle was proposed, that persons who should be now, or hereafter entitled to vote, should still possess that right.

The Earl of *Wicklow* said, that it appeared that it was the wish of noble Lords to remedy a defect in the Parliamentary Reform Bill. This ought not to be done in a corporation bill, and therefore their Lordships ought not to agree to the alteration suggested by the noble and learned Lord on the woolsack.

Their Lordships divided on the original question:—Contents 64; Non contents 37; Majority for Lord Lyndhurst's amendment 27.

List of the NOT-CONTENTS.

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Lansdowne
Normanby

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Ilchester
Fingall
Effingham
Saye and Sele
Charlemont
Gosford
Leitrim
Craven
Minto
Chichester

VISCOUNTS.
Melbourne
Falkland
Duncannon
Lismore

BISHOP.
Chichester

LORDS.
Lurgan
De Freyne
Poltimore
Stuart de Decies
Methuen
Sudely
Dinorben
Stanley of Alderley
Colbourne
Byron
Montfort
Mostyn
Foley
Wrottesley
Holland
Hatherton
Cottenham

[Who voted in favour of the amendments proposed by the Lord Chancellor in Irish Municipal Corporation Act.]

Pairs same as before.

Report agreed to.

HOUSE OF COMMONS,

Friday, August 2, 1839.

Minutes.] Bills. Read a first time:—Bank of Ireland.—Read a second time:—Church Discipline.—Read a third time:—Slave Trade Treaties; Assaults (Ireland); and Sheep Stealing (Ireland).

Petitions presented. By Mr. R. Palmer, from Soap Boilers of Hull, against the Soap Duties regulation Bill.—By Lord Dalmeny, from Queensferry, for a Penny Postage.—By Sir G. Clerk, from Edinburgh, and by Viscount Grimston, from Bishops Stortford, and other places, against the Ministerial plan of Education.—By Mr. D. Brown, from the county of Mayo, against the Irish Education scheme.—By Mr. T. Duncome, from Yeovil, against the Constabulary Bill.—By Viscount Sandon, from Dowlish Wake, for Increased Church Accommodation.

Prisoners in Canada.] Mr. *Hume* inquired if it were true that eighty or ninety political offenders in Upper Canada had recently been sentenced to transportation to New South Wales.

Mr. *Labouchere* said that he could not, with due respect to what he owed to the interests of the public service, give a distinct reply to that question, without prefacing his answer by a short statement, and reminding the House of the position in which Sir J. Colborne had been placed. In November last, when Sir J. Colborne had arrived at Montreal, he found the whole town in such a state, that information was received that there were 3,000 men ready to rise on a certain day, being bound by secret oaths. The surrounding districts were in a state of rebellion; murder and outrage were prevalent every where. The loyal subjects of the British crown were flocking into the town from all quarters in a state of panic; so that it was requisite that he should instantly adopt rigorous measures for restoring the authority of Government. Consequently numerous arrests took place. In Montreal alone 800 persons had been confined. The next question was, how these persons should be dealt with. The object of Sir John Colborne was to shed as little human blood as possible, consistently with the preservation of peace in the colony. He issued a commission, composed of four barristers, to make a previous examination into the charges, to see if any circumstances could justify the liberation of the persons arrested. The result was that the greater number were immediately liberated, the rest were tried by court martial, and about 100 were capitally convicted of high treason, but only twelve underwent the extreme sentence of the law, and of these only six were charged with political offences merely; the other six were guilty of murder also. The question then became, what measure of punishment should be allotted to the remainder, so as to avoid capital punishment, and the result was that about eighty persons had been banished to New South Wales. This was the course pursued, and, from a careful perusal of documents, he believed the conduct of Sir J. Colborne was not more distinguished by justice than sagacity and firmness. Her Majesty's Government fully approved of every thing the gallant Officer had done; and when the whole documents could be laid before this House, it would be seen that Sir John Colborne had simply done his duty, and that he merited the approbation of the country.

Mr. *Hume* said, the opinion just expressed was contrary to that entertained in the United States, by whom Sir John Colborne's conduct was considered cruel, tyrannical, and unjust. He wished to know whether it was true that Mr. Viger, a most respectable gentleman, and member of the Legislative Council, and of very old age, had been kept in prison for two years, and that the Government would neither bring him to trial nor set him free?

Mr. *Labouchere* was sorry that Mr. Viger should have suffered so long an imprisonment, but he believed, under the circumstances, Sir J. Colborne had no other course to pursue.

Mr. *Leader* begged to say one word with respect to the case of Mr. Viger. That Gentleman had been imprisoned for a year, and then offered his liberty on condition of giving security for good behaviour. He declined; and demanded his trial, which was refused, he conceiving himself to be innocent. He begged to ask the hon. Under Secretary one question. Did he not think that the promise of pardon contained in the proclamation of Lord Durham had been broken by the transportation of those men to New South Wales.

Subject dropped.

AMERICAN BOUNDARY.] Sir *Robert Peel:* Would the noble Lord inform the House how the question stood with respect to the disputed boundary question—he meant generally. He understood a commission had been appointed for a survey of the disputed territory. Had the American goverument appointed any corresponding commission, and acting in concert with the British Government?

Viscount *Palmerston* said, the American government had proposed a commission to survey the whole of the disputed territory, to which her Majesty's Government had consented, with some modifications, which that Government had also agreed to. The Government thought the commission could not act with satisfaction without a previous convention between the two countries, and accordingly, in spring, he had sent a draught of a convention to our minister at Washington, for the purpose of its being laid before the American government. It was laid before them, but as yet they had returned no answer, they being under the necessity of consulting the state of Maine upon the question. By the constitution of the United States, it was also necessary that the convention should be ratified by Congress, which could not be obtained till the end of the present year, and therefore her Majesty's Government thought that in that state of things it would be extremely desirable to take advantage of the present summer, for the purpose of acquiring more correct information as to the nature of the country in dispute, than they had yet possessed; and had sent out two persons acting entirely under the orders of, and responsible to the British Government, solely for the purpose of procuring local and topographical information for the use of the Government, thinking that if the matter should lead to any greater length of negotiation, it would be of essential importance that they should have a correct knowledge of the conformation of the country in dispute.

TURKEY.] Sir *R. Peel* inquired whether the noble Lord thought it probable that any communication would be made to Parliament by the Government, explanatory of the state of affairs in the east? He thought it was most important that Parliament should not separate without information on the subject.

Viscount *Palmerston* was quite aware of the great importance of the matter to which the right hon. Baronet had alluded, and it certainly was very natural that Parliament should wish to be put in possession of any information that could be properly communicated. At the same time he was afraid, that in the present state of those affairs, it would not be in the power of the Government, consistently with that practice, the expediency of which was felt by all, to make any communication, because this was not a matter in which the English Government were alone concerned. It was a matter which affected the interests of all Europe, and the five great powers of Europe, feeling that it deeply interested them, had entered into communications with each other. Of course, those communications being pending, it would be improper to communicate details until some result was arrived at. At the same time, he had the satisfaction of assuring the House that as far as those communications which had taken place between her Majesty's Government and the government of France, Austria, Prussia, and Russia had gone, there was no difference of opinion whatever, but all were animated by the same desire to maintain peace, and all were convinced that the peace of Europe could only be maintained as regarded those affairs by upholding the independence and integrity of the Turkish empire.

Subject dropped.

COMMITTEE OF SUPPLY—INCREASE OF THE ARMY.] Lord *John Russell*, having moved the order of the day for going into Committee of Supply, said, I shall avail myself of this opportunity to state the reasons which have induced her Majesty's Government, at this late period of the Session, to ask for an increase of the military force. In doing so, I shall speak very generally and shortly of the state of our foreign possessions, so far as they require military force to protect them, and I shall then proceed to consider that which is more immediately connected with my department of the Government; namely, the internal affairs of the country. With respect to our foreign possessions, the right hon. Baronet has just alluded to one question of great importance—namely, the state of affairs in the East. On that question it does not appear necessary that I should say more than that, being a question involving the interests of all the powers of Europe, and on which all must be required to deliberate; it is one, that while it continues, and until it is satisfactorily settled, must naturally produce anxiety and an unwillingness to diminish the military forces of this country. But there are two points of our foreign possessions with respect to which military force has been particularly required of late years. In India a war has taken place, and an alliance had been threatened against the British power, composed of chiefs formidable from their military means, formidable from their connection with Persia, and formidable from the assistance they were supposed to expect, and the implied protection it was said they were to receive from one of the Great Powers of Europe. That apprehension has, however, been dispelled by the total disavowal by the Russian Government of all participation in the views, policy, or confederation of the Indian chiefs. Yet that which has been already done, required that the Governor of India should take steps of energy and decision to free our frontiers from danger with the whole means in his power. I do not wish to follow out the policy of the Governor-General of India in those circumstances, farther than as regards the immediate question before the House, namely, the military force employed in Upper India. The immediate point to which her Majesty's Government feels it necessary to direct attention in the vote of this night is, that the Governor of India has found it necessary to retain in that country a certain portion of our forces, which, in the ordinary course of relief, should have arrived in this country two months ago. The troops so retained consist of two whole regiments, which, in consequence of a special order from the Governor-general, are not allowed to return to this country. With respect to another distant quarter of the world—with respect to the West—every one knows the unsettled state of affairs in Canada; and although there is no appearance of an immediate insurrection in that province, and no immediate occasion for the exertions of troops to repel either a domestic or a foreign foe, yet every one knows that after the events which occurred there last winter, and the winter before, it would be the very height of imprudence to diminish the number of our troops by a single regiment, or even a single company employed in that quarter upholding the British authority and defending British property and interests. I have stated these things for the purpose of showing how impossible it is to withdraw any portion of military force from our distant possessions, and also to show how still more necessary it is to maintain a considerable military force at home, in order that we may be prepared with an army in a state of efficiency, to furnish any supplies that may be required to be sent on service to our foreign possessions. And when we reflect, that our whole army is so inconsiderable compared to the other great military powers of Europe, that also becomes a cogent reason for keeping up our military force in an efficient and effective state. Another consequence of the necessity of sending reinforcements to distant possessions is to weaken the effective force at home so much as to place it below the strength which is required for the preservation of a permanent organization of our military system. The House is aware, that while a certain number of regiments have several service companies, others at home have only what is termed depôt companies. It is absolutely necessary for the effective strength of regiments, that the companies should not be reduced below a certain number of men, so that their discipline may not be injured, and that they may form a force over which discipline and authority may be maintained as a military body. Some of the depôt companies consist of only 139 men, and others of 180; and in order to be effective, they ought not, in any case, to be less than 200. I think there are hardly means, as matters stand at present, of preserving those detachments in an efficient state, in consequence of other reasons connected with the present internal state of the country. The present internal state of the country requires, that frequent detachments should be made, and this prevents that regular formation and that regular discipline which is necessary in order to make those companies efficient. It is necessary, therefore, that I should now state to the House, that which I think it necessary to state, with respect to the present state of the country, and I am the more compelled to make this statement, because the hon. Member for Kilkenny has given notice, that he will move a resolution which goes in effect entirely to deny the necessity of increasing the military force, and which points out another course as best calculated to preserve the public peace, while it will be unnecessary to add to the military force of the country. I wish, therefore, to state to the House what in my view is the present state of the country as regards internal tranquillity. Sir, there has been for a considerable time an attempt made, and made with great perseverance, with great industry, and at no inconsiderable cost, to excite disaffection to the laws of the country. That attempt has assumed various shapes. It took, in the first instance, an entirely different shape from that which it has at present assumed. Every one is aware of the agitation which has of late existed with regard to what is called the People's Charter, with respect to the change in the representation, and various other matters affecting the political form of the Constitution; but, as I conceive, that was not the first shape or form which this attempt took. The first attempts were made to excite the people against a law that was enacted but a few years ago, namely, the Poor-law Amendment Act. Sir, it was perfectly competent with respect to that law, or to any other law, with respect to the form of the representation, or with respect to any other political question, to promulgate opinions of a contrary nature to those adopted in legislating, and to seek a change in the law. But a very different course has been taken by many persons connected with this agitation; they told the people that they were so injured by this law, that the law was in the first place so contrary to the Constitution, and in the next place so contrary to the abstract principles of justice, that it was not like ordinary laws, entitled to obedience; but that whenever it was proposed to be carried into effect the people were entitled to resist it. Sir, that is a doctrine fatal to all subordination and obedience. One person in particular, who afterwards combined with others, took that course, and avowed openly to persons who were acting in the examination of witnesses on the part of a commission upon another subject, that he had resolved to take that course. I mean Mr. Oastler. Mr. Oastler went further, and stated that although he was not connected with others who were in favour of universal suffrage, although he chose (such was his caprice, for I can call it nothing else) to call himself a Tory—although I say, he chose to call himself a Tory in politics, he was connected with various trades-unions, and various societies and combinations of the working classes, and told them that the people were entitled to resist a law which contained such enactments as were contained in the Poor-law Amendment Act; and further that they were entitled to have arms for their defence against those who were disposed to enforce that law. This doctrine fell in with the opinions which were held by various persons having influence with the working classes with respect to the employment of factory labourers and the social condition of the country, and they were enforced among other persons by a certain Mr. Stephens, a dissenting preacher, who held forth in his chapel, doctrines which he wished the people to adopt. Among other doctrines which I have seen in these discourses of Mr. Stephens, and I am not alluding at present to those discourses which have become matter of prosecution, but in order to show the length to which he wished to lead his misguided followers, he, professing to be a teacher of the gospel, a preacher of the doctrines of the Bible, held this doctrine, that, with reference to the Poor-law Amendment Act and various other laws, which he held to be oppressive, the divine commandments, "Thou shalt not commit murder," and "Thou shalt not steal," were suspended and were of no force whatever. He told his followers that such was the case, and that it followed that they were entitled, in resisting such a law, either to take the property of their neighbour, or to kill any persons who acted in the enforcement of that law. These doctrines had a very pernicious effect, and hurried a vast number of persons to combine, under the notion that they were oppressed, in order to oppose the general enactments of that law. But to this agitation was, after no very long time, superadded a different kind of agitation, a different kind of proposal for the relief of the grievances of the people, put forth by persons who held certain political doctrines, and who told the people that universal suffrage, and annual Parliaments, and certain other measures which they proposed, were necessary for the welfare of the people at large. Sir, it is no wonder that people, already excited and disposed to listen to doctrines of this nature, should catch very easily and readily doctrines of this nature, which told them, in the first place, with respect to the Poor-law, that all of them—whether industrious or idle, whether young or old, whether they had full employment or little, whether the country was prosperous or distressed—

that they were entitled to full maintenance and support, and that the State was bound to furnish such support; and, in the next place, according to those political doctrines, that every man had an equal right to a voice in the representation, and that by representatives so chosen the country was to be governed, in order that every person should have an equal share of benefit. The meetings that were held in consequence of such doctrines took a shape which was contrary to all law, and which tended to create alarm and disturbance. I allude to those meetings that were held by torch light, and the holding of such meetings under circumstances of alarm and terror to the peaceable inhabitants. A proclamation was issued by Government in order to put a stop to those meetings, and they were immediately discontinued. Afterwards other meetings, likewise accompanied with circumstance of terror and alarm, were held at various places in different populous districts of the country. These meetings were likewise for the time suppressed, by means of a proclamation, and by means of directions given to Lords-lieutenant and magistrates to put the laws in force; and for a time the spirit of agitation seemed to have subsided; but at the same time those who had been the leaders of this movement—those who had been teaching those doctrines—lost no opportunity and spared no pains in order to disseminate those doctrines, and stated them at different parts of the country through which they passed and held meetings. In the agricultural counties they held meetings with no very permanent success—but for a time with some success—telling the labourers that every body was entitled to an equal partition of property, and that the landed property of the country ought to be divided equally among the labourers. In the manufacturing districts they declaimed with the same violence against manufacturers and the proprietors of large manufactories. These things certainly are not unexampled in the history of this country. There has been at various periods similar agitation, and similar excitement among the working classes. Undoubtedly it appeared to me that in such circumstances it would be very unadvisable to make any sudden change in the laws of the country, and to introduce laws, the same as in some foreign countries, of exception for certain parties, because those laws have two bad effects—the one is that they excite the sympathy of a number of persons who otherwise would have no feeling in common with ill disposed and designing persons; and in the next place, because the people of the country in general, and even those who appear to be the worst disposed, do feel that there is a power and supremacy in the law, to which they are ready to yield obedience; and, if a new law were introduced merely for the suppression of those societies, they would not feel that they were treated with the same justice with which they would have been treated if the ordinary laws of the country had been resorted to for their suppression and punishment. But while I always held these opinions, I, at the same time, thought, before I had myself any experience with regard to this subject, that there was a power in the ordinary law of the country which might be easily resorted to, in order to put down such mischievous projects and such injurious proceedings. I must say, that the experience I have had teaches me that, although the laws are themselves strong and apparently efficient, yet that there is great difficulty in putting those laws in operation. With regard to one instance, with respect to which I have seen many observations made—and at various times violent speeches were made on various occasions—every one has seen in the newspapers, the strongest excitement to violence, rebellion, and alarm of every kind; and it has naturally been observed with regard to such language, that it was seditious, if not treasonable, and that the law ought to be put in force to support it. That was my own feeling likewise; but when I came to any particular instance of such language, the obtaining of evidence and procuring a conviction was not a matter of so much facility as it appeared. In the first place, with regard to reporters, I have heard it asked by many persons, why was not their evidence called for? They cannot be called upon to give evidence of the language they have reported, because they are present upon sufferance, and they cannot be called upon to give evidence, without there is some original evidence which they might be called on to corroborate. In the next place, with respect to other persons from whom they might obtain evidence, persons in the neighbourhood, he had found in more than one instance, immediately directions were given for a prosecution, that those persons became objects of persecution on the part of the Chartists, or other combination or society of the neighbourhood, and their lives were rendered unhappy by being driven from one employment to another; and even in parts of Lancashire persons who had been known to give evidence were waylaid and maltreated, in order at once to prevent their giving evidence, and in order to prevent other persons from following their example. But then it may be said that evidence could be given by strangers. Certainly, strangers may be sent to different meetings to hear the language used; but, although these meetings are apparently open, although they profess to be meetings of the people in general, they are watched very carefully—that is, those persons who do not belong to the party or society, when they see these persons, they, if possible drive them away, in order to prevent their giving evidence in a court of justice. But when this evidence is procured, there arises a question of whether the evidence is sufficient to make it likely that a verdict would be obtained; and, with respect to some of those speeches, some of the strongest and most violent nature, the law-officers of the Crown have advised, and I have no doubt correctly advised, that although there was no doubt of the illegality of the proceedings, yet that it was not a case in which it was likely that a verdict would be obtained in a court of justice, and they, therefore, did not advise a prosecution. I speak now of the difficulty of putting in force that which seems the easy and obvious course of putting the law in force, with respect to the suppression of seditious and almost treasonable language used at various meetings. Those meetings, therefore, have continued, although with respect to some of them, and some of the persons who have committed such offences, I have either desired the law-officers of the Crown, or have instructed the magistrates, to institute proceedings. With respect to certain persons, such proceedings have been taken, and, of course, of those proceedings I have nothing more to say, because they will soon come under the decision of the courts of law. What I am going to state is, that although those proceedings have been instituted, there has not been a stop put to those various meetings; and, far from those meetings having subsided, there has been lately, owing partly perhaps to what has taken place at Birmingham, and owing perhaps to other causes, which I will not enter into, there has been a great increase of excitement and violence on this subject. Various measures have been adopted by those who are disaffected to the law; but it appears to me that their general object has been to excite terror. They have done everything to assume an appearance of force to make those who are well disposed, but at the same time timid, to think that they are the strongest party in the country, and to induce the great majority of the people, who are no doubt opposed to them, to be quiescent, and to allow them to carry their plans into effect without resistance. Various modes have been adopted for this purpose. One of these is the ostentatious exhibition of arms, the showing of pikes and daggers and knives, and various deadly and dangerous weapons, and appearing much more generally to go armed, as if prepared to act as an armed body. At the same time, although there has been exaggeration in this respect, I have no doubt that a considerable number of pikes have been manufactured, with as great a number of fire-arms, and at the same time a great proportion of cartridges and pistol balls, with a view, no doubt, to create terror and excite alarm. It was but the other day that, by accident, a constable, searching in the house of a person that had been guilty of another offence, found a manufactory of cartridges connected with the society of Chartists. Another mode of proceeding is, to go round from house to house with two books, saying, that those persons who subscribe are put down in one book, and those who do not subscribe are put down in another book, and that the time would come when their names would be remembered. Tickets are given to those persons who subscribe, for which they have to pay sixpence or a shilling, and are told that those tickets will be a security to the persons who hold them; but in a very short time (a month, or some period of that kind), it is found necessary to renew the subscription. These practices are entirely contrary to all law, and the magistrates in some places have very properly arrested those persons whom they found so raising contributions; but on the other hand, many have protected the persons who made these contributions, being afraid, although the fact was perfectly notorious, of giving evidence that such contributions had been forcibly wrested from them. In other places, attempts had been made, although with less success, to carry into operation the practice of training and drilling. The law is very certain and precise on this point, and the magistrates have been generally able to arrest the operation. One other mode adopted, but only within the last fortnight, in order to create terror and to show strength, is to go in great numbers to Church, where they dispossess the usual occupants of the pews, and appear in great numbers, without committing any offence, or interrupting divine service. This is, as it were, to show the force they possess, and that they are a considerable number. But there is a still more dangerous symptom which has lately appeared. For a very long time their objects were various. Some were connected with the social condition of the country, and the rate of wages was thought a matter of legislation. Others were political, and extended to a new form of government; but there did seem a want of concert and system among the individuals belonging to those societies. But lately, it appears, they have had a more regular organization; and from the information we have had from various parts of the country, as well as information from districts not far from the metropolis, it appears that in these societies a system of organization has been introduced. These societies are constituted in small numbers in the first instance; these small societies elect one of their body to meet some superior body; after seeing which he receives directions from a body of five or seven persons who meet in London and who give general directions. This combination gave rise to a body calling itself the General Convention, and which for a certain time met for the avowed purpose of preparing a petition to be presented to this House. Since that petition was presented, and since this House has decided upon that petition, that body has several times met, and they have issued a certain declaration and advice to the people, evidently intended to procure, by a general combination, an alteration of the law and the Constitution of the country. No one can mistake the words of their recommendations—whether they recommend a sacred month, or whether they recommend to every person to arm, or whether to take all their money from the savings'-banks—their general object is, by means of terror and confusion, to produce a general, total, and entire change in the institutions of the country. I say, that all these are symptoms of very considerable danger, and I will now state in what that danger consists. It does not consist, as far as I see, in any grievance, which it is in the power of this House or of Parliament to redress. The hon. Gentleman the Member for Kilkenny may tell us that there is some grievance, by the redress of which we can give satisfaction to the people thus combined. My own opinion is, that upon their own statements there is no remedy which this House can give—that there is no satisfaction which this House can provide which can remove what they suppose to be grievances. It does seem to me, that their complaints in all their placards, and in all their speeches, are complaints against the constitution of society. They complain that society is so constituted that they have not a sufficient quantity of wealth and means of support in that society, and that by a change of the law some new state of society will take place, by which their happiness will be increased and their grievances redressed. I, Sir, do not think that any law can pass that would at all tend to improve their condition. I am not now speaking of any partial law, but of a total change in the society of this country; and my opinion is that, should such a thing occur, it would not decrease the number of the distressed and discontented, but, while it destroyed the property and the means of the rich, it would act still more fatally against the resources and welfare of the people. Seeing that, I do not think that there could be any remedy for what they call grievances, I think it is obvious, that the first effect of any such change as that proposed would be generally to increase the grievances and distresses of the country. If there is anything by which the working classes and the people can hope to live in a state of comfort, it is in consequence of large funds being devoted to the employment of labour, in consequence of there being in this country an unusual artificial quantity of capital devoted to employment, owing to the general belief in the security of our institutions, and owing to the state of civilization which has grown up through centuries of stable and free government. It must be admitted, that the very first effect of any doubt or distrust of the stability of those institutions, of weakening the title to property, of weakening the confidence which we have in the preservation of capital—whether in the funds or manufactures, whether in commerce or whether in land—the first effect would be not so much to injure those who have large fortunes, and a great proportion of fortune which they can remove, but it would be to injure those who are dependent upon those capitalists for employment. In the next place, it appears to me, with regard to this change, that it is a change not arising from any general opinion or general conviction of the people at large. As far as I can perceive—and other Gentleman can judge of their own districts in the same manner, if not in a better manner than I can judge with regard to the whole—those persons who are making this movement are, in fact, if their number be taken, only a very small minority of the people; and it is only by attempting to terrify and create alarm among the large majority who are attached to our institutions, who seek quiet, and who are desirous of security and peace—it is only by creating terror amongst that class, that they have any hope of success. If, then, I have rightly judged with respect to their statement of grievances, and with respect to their position in the country, in the first place, we cannot hope, by any one measure, or by any measures that we can adopt, to give at once satisfaction to those who are discontented; and, in the second place, we are bound to give, by every means we possess, security and confidence to the great mass of the people who do not sympathise in those attempts at disturbance. I have said that I think we ought, as long as possible, and as much as possible, to avoid the introduction of new laws; but I cannot avoid perceiving, if I reflect on the state of the country, that while our laws, generally speaking, are well adapted to maintain freedom and preserve tranquillity, yet the means by which those two objects are to be obtained are not sufficiently well adapted to the increased population of the country. We have, particularly in the manufacturing districts, and especially in certain parts of the manufacturing districts which I could name, very large masses of people who have grown up in a state of society which it is lamentable, if not appalling, to contemplate. It is not a society growing up under the hand of early instruction, with places of worship to attend, with their opinions of property moulded by seeing it devoted to social and charitable objects, and with a fair and gradual subordination of ranks; but it is, in many instances, a society necessarily composed of the working classes, with certain persons who employ them, with whom they have little connection, regard, or subordination, and unhappily neither receiving in schools nor in places of worship that religious and moral instruction that is necessary for knitting together the inhabitants and classes of a great country. With regard to those classes of society, I should say that they differ; and because they differ from the former constitution of English society, some means are necessary to preserve us from sudden excitement amongst them, and I feel that, by every means possible, we ought to take measures that may in future bring them within the confines and boundaries in which society is generally held, and thus provide for the suppression of any sudden outbreak by which property may be endangered, and from those evils which society, tremblingly alive in its remotest fibres, would feel as the consequence of alarm and outrage. In the particular measure which I shall propose, I shall endeavour to give a better means of taking care that the laws are preserved, by placing at the disposal of the magistrates a better organised constitutional force. There have been, within these few days, cases in which the magistrates have thus been obliged to meet the dangers they have had to encounter, and have only been enabled to meet them, first, by means of having such a constabulary force; and, secondly, by the military support which we have given them. I have here statements which I received only this morning with regard to certain occurrences that have taken place. I might give the substance of my correspondence during the last three months, but that I fear it would be exceedingly irksome to the House, if I were to go into much detail. The first letter which I have received is from Stockport, stating what occurred there. (The noble Lord read a letter from Stockport, giving an account of a successful attempt made by the Chartists there, to take possession of some fire-arms that had been sent from the Tower, of the rescue of those arms by the dragoons, assisted by the civil force, and of an unsuccessful attempt made on the part of the Chartists to rescue nine men who were apprehended). The noble Lord read a similar communication from the Mayor of Newcastle, giving an account of the rising of 6,000 men, armed, and with flags flying, and music playing; and of the manner in which the outbreak had been quelled by the police and soldiers. Now, he thought that these documents showed that when there were constables ready to do their duty, and a sufficient military force to support them, there could be no serious apprehension for the tranquillity of the country, and that the great majority of its inhabitants would feel satisfied and gratified at having their lives and their property adequately protected. This was the object which he now had in view, in the proposition which he was about to make to the House. The inhabitants of the various great towns throughout the country, not not merely persons of large property, but householders in general, now looked for protection from the Government and the law of the land. They thought that the law, and the Government, were bound to support them in the peaceable enjoyment of their property, and the fruits of their labour; and they confidently believed that if they were so supported, the sedulous exertions of designing persons to create disturbances throughout the country for bad and selfish purposes, would fail of effect; and that eventually the law of the country, if properly maintained by the executive authorities, would be sufficient to preserve the tranquillity of the country, and that these dissensions and tumults would pass away. But when he was asked for an additional military force to assist in the maintenance of the law, when he considered the inefficient state of the constabulary force, he felt bound to ask the House for that increase, particularly at a moment like the present, when the state of our colonies, and of our general relations, gave no opportunity of withdrawing any troops from their service in those external quarters. Even at this late period of the Session, therefore, he asked, in support of the law, and of the institutions of the country, an increase of the military force of the country, and he felt confident that the Government would meet with the support of the House. At all events, even if it should be necessary, which he hoped it never would, to provide some extraordinary law, and thus subject themselves to the imputation of taking upon themselves extraordinary and undue power, however that might be, he felt that they were bound to maintain the present state of the country and its institutions. At the same time he hoped that every power of free discussion would be preserved to the public with regard to the institutions of the country; and if those institutions could not brave the test of free discussion, by the result of such free discussion he thought they were bound to abide. But this House, and the government of the country should never allow themselves to be overborne by the lawless attempts of conspirators of the worst description, and the most worthless character; and above all things, in the present state of the country, when dangers were before them, they should not shrink from those dangers; but, on the contrary, they should be prepared to meet them with firm hearts, and the most resolute determination to perform their duty.

The noble Lord moved the Order of the Day for a Committee of Supply.

Sir *E. Codrington*, pursuant to notice, called the attention of the House to the petition of Mr. Rowland Milner, presented on the 1st of March. The facts appeared to be these: — that the petitioner, Mr. Rowland Milner, had been deprived of his commission and his half-pay, in consequence of his being charged with having made out an affidavit for the assignment of his half-pay, and afterwards drawn it himself. The hon. and gallant Officer declared, that there was no document in the possession of the Admiralty which justified his punishment. If there were any such affidavit in existence, he called upon the Admiralty to produce it; for, he said no such paper could be produced, unless it was a forgery. He moved, therefore, that a Select Committee be appointed to inquire into the allegations contained in this petition.

Mr. *C. Wood* said, he could add nothing to what he had already so often said in answer to this case. The petitioner, Rowland Milner, had been convicted of a fraudulent transaction, and had therefore been punished in the manner mentioned. Every subsequent board of admiralty had confirmed that sentence, and he submitted, that this House was not competent to entertain appeals of this kind from a constituted tribunal.

The House divided on the original question:—Ayes 52; Noes 16:—Majority 36.

Order of the day read. On the question that the Speaker leave the Chair,

Mr. *Hume* rose to move an amendment. The Convention of Delegates was satisfied that they had been misled by the leadership of dangerous men; and they were convinced, that every effort at physical force would retard those reforms which they were so anxious to obtain. The noble Lord had said, the origin of the Chartists' organization arose from the agitation respecting the Poor-laws. He believed, that originally, the most ardent agitators amongst the Chartists were agitators against the Poor-law, and were not Reformers, but, as they themselves stated, Conservatives. He did not think that Messrs. Stephens and Oastler ought to be named along with the Chartists. They had nothing in common with these reformers but their hatred of the Poor-law and of the Factories. That being the case, they now came to the consideration of the claims of the Chartists and Reformers, and he maintained the noble Lord had not done them justice in attributing to them revolutionary and predatory designs. He was sure that the noble Lord's statement was not borne out by any authority admitted by the 1,280,000 persons whose petition had been recently received, when the noble Lord asserted, that the Chartists were anxious to divide the lands, and pillage the property of the country. Where had they made any such declaration? He admitted, that the organization of this body was now complete; but that fact, so far from inducing the House to turn a deaf ear to their complaints, should lead them to take it into consideration, and see whether any rights had been withheld from them, or grievances suffered, or privations endured, which it was in the power of Parliament to remove. He contended, that any man who had not a voice in the representation, and contributed to the taxes of the State, belonged to the slave class. It was this exclusion which created dissatisfaction throughout the country. The noble Lord had stated, that the organization was more complete than he had imagined, and he had also alluded to some individuals who had madly proposed to arm and to use violence in support of their demands. He would observe to the noble Lord, and to that House, that they ought not to be at all surprised at or find fault with Englishmen pessessing arms. Every Englishman might be called on to carry them, and as a freeman he was expected to have them. But as an Englishman was bound to fight for the maintenance of the law and the support of the Government under which he lived, he was entitled to claim as an essential condition of his obedience and service all the benefits which his labour and industry could procure. When he expressed his difference in opinion from the noble Lord, he begged to state that he was as anxious for the preservation of peace and order as the noble Lord could be; but whilst they were called upon to add to the expense of a military force, he was sorry to see that the noble Lord, so far from affording the means of relief to the working classes—so far from making any effort to assuage the dissatisfaction which now existed, aggravated the prevailing discontent by statements which the House, in some degree, seemed to approve of. He begged the House to recollect who the parties complaining were at this time. He found that the petition of the working classes had appended to it 1,280,000 signatures, and at no former period had they so peaceably and quietly put forward their complaints and the remedies which they deemed requisite. The noble Lord had stated that large masses of people had grown up in this country in a state of ignorance, without moral and religious instruction. Why, whose fault was it that this deplorable state of things existed? Whose, but that of the Parliament who had checked all their efforts to improve and raise their condition? See what the working men themselves thought on this point. In an address from the Working Men's Association to the working classes, they said—

> "Is it consistent with justice that the knowledge requisite to make a man acquainted with his rights and duties should be purposely withheld from him, and then that he should be upbraided and deprived of his rights on the plea of his ignorance? and is it not equally cruel and unjust to suffer human beings to be matured in ignorance and crime, and then to blame and punish them? Let our rulers ask themselves, when they see our prisons filled with victims, our land covered with paupers, and our streets infested with intemperance and prostitution—how much of those terrible evils are occasioned by ignorance, the consequences of their own neglect? and how many of their sanguinary laws might have been spared—how many of their prisons, bridewell's, and hospitals dispensed with—and how many millions of public and private wealth, arrogantly given, and ungraciously received, might not have been better appropriated in diffusing the blessings of education? We are certain that inquiry will convince them of the fact, and lead them to perceive, that knowledge, like the balmy breeze, cheers, and refreshes in its progress; but ignorance, like the tainted air, scourges with disease as it sweeps onward in its desolation. We trust we have, in some degree, succeeded in showing the great importance of education, and the necessity of publicly extending it, not as a charity, but as a right, a right derivable from society itself; as society implies a union for mutual benefit, and consequently to publicly provide for the security and proper training of all its members, which, if it fails to effect, the bond of social obligation is dissolved, and it degenerates into an unholy compact, selfishly seeking its own advantage to the prejudice of the excluded."

If two or three years age they had listened to the humble but earnest request of these working men they would not now be in the situation in which they found themselves. He saw that there was not a single Conservative on the benches opposite. This was a better proof than any which he could adduce of the utter indifference of those who usually sat opposite to the complaints and wants of the people, He was satisfied that the working classes were ready to support the honour and independence of the country, and that they had no desire to take from any other class any portion of their property. All the proceedings which they had taken proved their disposition to demand their rights in a peaceable manner. This was the address of the Convention to the middle classes:—[The hon. Member read a passage claiming the charter, but recommending the people to be peaceable and just.] What was the state of the country at the present moment? Five hundred constables were proposed to be enrolled at Newcastle, and to be drilled. Such a proceeding formerly took place only from fear of invasion. Instead of foreign enemies, our citizens had now to face their fellow-countrymen. In alluding to the constables, he wished to direct their especial notice to a petition from the constables at Colne, which breathed, he thought, the sentiments of the great mass of the working people. [The hon. Member read a passage stating, that the people were driven to despair by privations and sufferings, and that it was more prudent and statesmanlike to relieve their distresses than to risk the peace of society.] If the noble Lord, the hon. Member continued, went on adding insult to the injuries under which the working people already laboured, the peace of the country would be nothing but a hollow truce. The people might be kept down by force; but until they obtained their rights, it was impossible that they could be contented. Was it not notorious that one only out of five in England, and one out of fifteen in Ireland, enjoyed that franchise which was the distinguishing characteristic of a free man? He wished to see the franchise extended, and freedom of choice secured both as regarded the elected and the electors. In the former case, by the abolition of the property qualification; in the latter by the ballot. As the noble Lord had stated that the proposed force was essential to the preservation of the peace of the country, he could not refuse his consent. But at the same time he was anxious that the House should declare that at a fit and proper period they would take into consideration the demands of the people. Though he should not press his amendment after the noble Lord's speech, he took that course not from any belief that it was possible to get up the present agitation without real suffering on the part of the people, but simply because he could not refuse the demand of a Minister of the Crown for assistance which he declared to be absolutely necessary. The hon. Member concluded by moving the following resolutions:—

> "That whilst this House agrees to increase the military force of the kingdom, it is also of opinion that it is proper to accompany that increase with the following declaration:—That it appears, from petitions that have been presented to the House in the present Session, that great dissatisfaction prevails among large masses of the people, by reason of their inadequate representation in the Commons' House of Parliament; to which, and to the other defects they find in our representative system, they attribute the other grievance of which they principally complain—taxation pressing partially on the manufacturing and working classes, and thereby producing privations and sufferings to a great extent: That it is incumbent on this House to apply itself, with the utmost seriousness, and with the least possible delay, to removing the foregoing causes of dissatisfaction on the part of the people; and this House is of opinion that such course is best calculated to preserve the public peace, and to make it unnecessary to add to the military force of the country."

Mr. *T. Attwood* seconded the motion. While the noble Lord wished to govern by coercion, he showed no disposition to ameliorate the condition of the people. If the noble Lord had proposed to repeal the New Poor-law, or to redress any other of the grievances that weighed so heavily upon the poor, he would have given the noble Lord some credit for really pitying their miseries. There must be some secret and unexplained reason for the partiality that the noble Lord exhibited towards that bad measure, the New Poor-law, for it could not be denied that that law had been received by the mass of the people with great dislike. He did not know any good it had produced. He had told the Administration of Earl Grey, that that law would have the most fatal consequences. He had asked Lord Althorp, if he was ambitious of the title of Lord Pinch-pauper, and certainly the paupers had been pinched with a vengeance. About 2,000,000*l.* sterling had been saved from the Poor-rates; but how had the people benefitted by the reduction? The poor creatures had had the bread taken out of the mouths of their families. Why, it would have been better for the agriculturists if the 2,000,000*l.*

had been allowed to remain in the pockets of the paupers, in order that bread might be consumed. When 1,200,000 men came forward and complained of the sufferings they endured from their unredressed grievances, it was very extraordinary that the noble Lord would do nothing. They cried out for bread, but the noble Lord gave them a stone. They cried out for liberty, and the noble Lord gave them a serpent. In every shape and way the noble Lord gave the people coercion. He would remind the noble Lord of the fate of the last Whig Administration. Earl Grey had brought forward the Irish Coercion Bill, and immediately afterwards the Poor-law Amendment Bill. He (Mr. Attwood) told that Government that they were adopting Tory measures, and worse than Tory measures; that they were seeking to make the condition of Ireland more wretched, and to drag England down to the Irish level. He had told them, that if they yielded to those Tory seductions, they would be reduced to the same state of unpopularity as the Tories, and that instead of having a majority of 200 in that House, they would soon be left in a minority. No sooner had these measures been passed, than the Tories managed to have them kicked back to their constituents, and the result was that their force was diminished by at least a third. The Tories cried out that this was owing to reaction, but nothing of the kind existed; the people knew well that both parties were mutually contaminated. Both Whigs and Tories were damned to equal infamy in the public eye. The consequence of bringing forward coercive measures, and giving the people stones and bayonets instead of bread, would be that the first new election would leave the Whigs, instead of a majority of five or two, in a minority of fifty. If the right hon. Baronet, the Member for Tamworth, had succeeded to office and dissolved Parliament in May last, he would have had a majority of 100, and that not because there was any reaction, not because the people were averse to reform; people were more Reformers than ever; but, if there was a dissolution (as he thought there must), both parties being before the country equally contaminated, he said, the Whigs would be in a minority. But if they changed their principles of action, and became more liberal—if they pulled up public virtue to their assistance—they would have a majority of 200 again. But the noble Lord was wrong: he was trying to govern a discontented nation by force; but he could not do it. It was easy to put down a mob, but it was not easy to put down a nation. Let him bring the people up to the fighting point—though all humane men shrunk from blood—yet let him bring the people up to the fighting point, and, as sure as God was in heaven, they would beat him. The people of England were never governed by force, and never would be. The noble Lord was sending forth (to use Mr. Burke's language with regard to America) a destroying angel; but if he showed no humanity, no liberality, no hope of intended amelioration, he (Mr. Attwood) told him, that the days of his ministry were coming to an end, and not only the days of his ministry, but, he feared, the days of all government in the country were coming to an end. 150 years ago, the London 'prentices had pulled down the power of the courtiers, and they might do so again. He wished the noble Lord would hold out to the people of England a promise that he would adopt some conciliatory measures; as the noble Lord had held out no such hope, as we were going on from bad to worse, and the worst was still behind, he protested against an increase of the army, unless there was a large increase of the social comforts of the people.

Mr. *Ward* said, this motion was coupled with opinions in which he did not concur. The hon. Member for Birmingham had connected it with the Poor-law; but he was bound to say, that he concurred most entirely in the principle of that bill, and he believed it to be a salutary measure even for the class whose interests the hon. Member advocated; and he did not concur with the hon. Member for Kilkenny on the subject of universal suffrage. The question was, whether, by having given to Government a proof of confidence and approbation (as he wished his vote to be), they should couple it with any assertion of those principles of reform which he had always advocated? With reference to the situation in which the noble Lord was placed, and the difficulties he had to contend with in this movement in the country, he could not help expressing his sense of the moderation, temper, forbearance, and firmness evinced by the noble Lord, who had declared at the beginning of the movement of the Chartists that coercion was not the best course, but that forbearance was the wisest policy, and that common sense would come to the rescue; and the noble Lord's prediction had been fulfilled, for even the hon. Member for Birmingham had abandoned the Chartists, one of whose leaders had spoken contemptuously of his "humbug." The leaders of the unhappy men had left them where they found them. He trusted, that his hon. Friend would, in the present temper of the country, not press his motion to a division; but if he did, he (Mr. Ward) could not gainsay the sentiments it contained, and, if he forced it to a division, should vote with him, though with reluctance. The sole object into which all the views of the Chartists had merged—for they now threw overboard all those political lights to which the hon. Member had referred—was the entire and total subversion of the present social system. Had the hon. Member heard of the Bible Radicals, who quoted Scripture for spoliation, and spoke of the walls of Jericho falling down before the people of God, who entered and helped themselves? He thought the noble Lord fully entitled to the support of the House.

Captain *Boldero* hoped that the statement of the noble Lord was overdrawn. It was true there had been a riot at Birmingham and destruction of property; but what had been the cause of it? It was agreed, that if the magistrates had at the outbreak of the attack exerted their powers sufficiently, they might have suppressed it. They were lax, and the disturbance took place. There had also been a disturbance at Newcastle, but the magistrates there were on the alert, and though there had been a few broken heads, he hoped they would recover. But it had not been shown that there was any combined and organized system; and till that appeared, he did not see why, on that ground, they should be called to vote 5,000 men. There were, however, other reasons, and he should vote for the additional force, because the army at present was not sufficient to perform the ordinary duties of the country. If the House wished to see the army effective, they must grant the additional force asked by the noble Lord.

Mr. *Charles Buller* thought it unadvisable to divide the House on Mr. Hume's amendment; though, if it were pressed to a division, he, like Mr. Ward, must support the amendment. It was desirable that the country should see, that whatever difference in political opinions existed among Members, all were equally determined to suppress disorder. In his opinion, the friends of popular rights and opponents of coercion were called upon to acknowledge, with the warmest approbation, the course pursued by Government in the present state of affairs. It had always hitherto been the practice of the Government of this country, to avail itself of emergencies like the present, to call for powers encroaching on the liberties of the people—to take advantage of the alarm and irritation of the middle classes to enable it to enforce the severest penalties of our most arbitrary statutes—to invent constructive treasons, and to stretch to the utmost the vague provisions of our law of libel. From such a course the present Government had entirely abstained; and their wise policy had been attended with the best success. But he agreed with the hon. Member for Kilkenny, that Parliament would have done but a small part of its duty when it had provided the means of putting down the present disturbances. He saw the follies of the Chartists, and he apprehended no lasting mischief from a movement so ill-directed and ill-conducted as the present. But the danger, which he did not apprehend from Chartism, he did apprehend from the causes of Chartism, which seemed to him to be permanent, and to be inherent in the altered state of society, and the character of the English people. They must not shut their eyes to the fact, that they had now to deal with a people far otherwise discontented, and far otherwise capable of manifesting that discontent, than previous Governments have ever had to cope with. They were now face to face with the first generation of working men in England on whom education had begun to tell pretty generally: the men now in the prime of manhood are the first working men whom Lancaster, and Bell, and the Dissenters, and the Church, have taught to read and write. It was, indeed, a miserable modicum of education; it was just enough to leave the people open to bad doctrine; but still it gave power and permanence to the doctrines that circulate among them. The first effects of this change might be observed in the rise of a press addressed to and supported by the working classes. This has taken place during the last eight or nine years. Formerly Cobbett wrote weekly essays, and other demagogues wrote occasional pamphlets, which had a large but temporary circulation and effect. But now there is established an immense weekly press, containing the same attractions of general news as other newspapers, which diffuses its view of passing occurrences from one end of the island to the other. This is a press, not occasional, but permanent—not dependent on the popularity of a particular writer, or the expenditure by which the enthusiasm of a particular individual, or body of men, gives its product gratuitous circulation, but on the superior lucrativeness of that particular kind of press, and on the general appetite for news. This is the largest, and it is, with two or three exceptions, the most lucrative press in England. The conductors cater for the appetite of its readers; and it finds the food most agreeable to their palate in dwelling on the suffering which is unhappily the lot of the masses, and offering visionary prospects of relief from the application of those doctrines of social and political equality, which are consonant to men's first rude notions of equity. In this press, thus advocating these doctrines, in the consonance of these doctrines to the spirit of an age, and in the suffering of the masses, is the perennial source of Chartism. You cannot, by the rough means which were in use in old times, put down these doctrines or this press. Formerly, when an outbreak took place, and a few people had been cut down, and one or two leaders clapped in gaol for two or three years, and a violent newspaper ruined by prosecutions, the passing ferment vanished at the first improvement of trade, and the people ceased to think of Parliamentary Reform, or the other topics of the day. But now, after such an occurrence, that press would still exist; as long as the working classes present the most profitable market for the newspaper, so long will newspapers be addressed to them; and so long will it be the interest of those newspapers to address to them the doctrines most palatable to them. They might impose on that press a momentary silence or hypocrisy; they might awe it into either suppressing or modifying those doctrines; but in that press will the spirit of Chartism live. Like other party doctrines, it will bide its time amid the vicissitudes of political events; and as our Whig and Tory parties have each repeatedly survived defeats which seemed to have almost annihilated them and bowing their heads to the storm for a while, have, on the first favourable chance, again emerged into action, and retrieved their fortunes, so they might depend upon it, that these doctrines, which are but the expression of that alienation from the present political institutions which exist among the working classes, not only here, but throughout civilized Europe, will survive any momentary discouragement, will again find partisans and their organs, and, biding their time, will sooner or later find the moment of success in some of those conflicts of classes or of nations, which the chapter of accidents is pretty sure to furnish. Dreading as much as any man the triumph of such doctrines, he wished that he could trust in some panacea for allaying discontent and averting danger. He wished he could think that they could avert it by some simple and safe change in the representative system, or by some possible economy, or by the circulation of one-pound notes. But his only hope was in working gradually and effectually on the minds of the masses, and reconciling their affections to the institutions of the country by the whole course of legislation through a long period of years. He would attempt to conciliate the people by a gradual but constant extension of political privileges; by a general system of education, that should teach them what Government can, and what it cannot do for the people; by every device for extending their amusements and humanizing their feelings; by removing every unwise restriction that our laws impose on employment, and by opening new fields of enterprise to the people; and by such changes in the tone of legislation as should convince the people of the entire sympathy of their rulers. He could not see his way to safety in any specific; but he thought it might be secured by the combination of many remedial measures. At any rate, the attempt must be made. All other questions sank into insignificance by the side of the great problem of the means of reconciling the affections of the masses to the social institutions of the country, and the interests of civilization and order.

Sir *R. Peel* could not agree with the hon. Gentleman who had seconded the motion that he was under any obligation to vote for the amendment of the hon. Member of Kilkenny. He protested against the doctrine which was thus laid down; and denied the right of any man, who embodied an abstract principle in an amendment, to call upon those who admitted the abstract principle, to vote for it, whenever he might choose to bring it forward. If so, he might be obliged to record his vote upon the same question, once a week, in order to gratify an hon. Member's whim. However impossible it was to agitate that question without serious injury to the public weal—however inconvenient the time at which it was brought forward—was he to be called on to record his vote merely because on a former occasion he had given it his assent? If a Member of Parliament moved, inopportunely, an amendment of the abstract principle of which he approved, he utterly denied that he could at all times be called on to give his assent to that principle. If misconstruction might arise from such a vote, a Member was entitled to exercise his judgment as to whether he should give it a vote. He might say with perfect propriety:—"Because you have urged this matter at an improper time, and because it may diminish the moral influence to which unanimity will probably give rise, I will not, under these circumstances, vote for your amendment." This was the grounds which he took on the present occasion. He apprehended that the way in which the question would be put, would be "That the words proposed to be left out stand part of the question." If hon. Members, then, thought that this was a proper time to increase the army, whatever might be their opinions on the subject of reform, of course they would vote for that increase. He could not at all appreciate this new and very effeminate doctrine of submitting their will to that of others; and he trusted that there was manliness and firmness enough in the House to make hon. Members refuse to become parties to an act upon which it was possible that the most dangerous misconstruction might be put. Although he had already determined to support the vote, still he could not say with an hon. Gentleman opposite that it was a matter of entire indifference to him how much they increased the army. But to the proposed increase he gave his assent with reference as well to the foreign as to the domestic relations of this country. He would not shrink from the opinion—although he felt the extreme inconvenience of individual Members of Parliament pressing for an increase of military force, when her Majesty's Government knew much better than they could the precise circumstances of the country—that her Majesty's Government would have been fully justified in demanding a greater increase, or at all events the power of calling into requisition a greater force. He doubted whether the greater increase would not be found in the end to be the true economy. When he looked at the foreign relations of this country—to the West India islands, to our Indian empire, to Canada, to the boundary between our North American possessions and the United States, although in this latter quarter he trusted that there would be no interruption to the tranquillity which now prevailed—he thought that it would be wise economy not to let our military force fall below such limits as would enable us to assert and maintain, if necessary, the proper position of England. If any misfortune did occur in any of these foreign possessions, on account of the inadequacy of our military force, he feared, that the attempt to recover what we might lose would subject us to a tenfold expenditure. It was but just towards the officers and men, that too much labour should not be exacted from them; and it was as little consistent with sound policy as with justice to demand exertions in the public service greater than their physical strength could endure. With respect to the internal state of the country, he had no doubt that the combinations which existed—the demonstrations of physical force which had taken place in different parts of the country—the determination to resist the civil power—the language held, and the publications circulated, which he supposed hon. Members had seen, counselling the people to resist—compelled him at once to assent to the proposition for increasing the military power of this country, to be employed in aid of the civil power. They were bound to give that protection to the loyal and well-disposed. They were bound, even if those parties were not in immediate danger, to protect them from constant and harrassing anxiety. It was a disgrace to a civilized community that peacefully-disposed men should sleep in nightly alarm—should not be provided by the State with that security without which there was no enjoyment in life. The true wisdom was to demonstrate to the disaffected the absolute hopelessness of resistance. Assuredly, they ought not to be tempted to violate the law by observing the inadequacy of the means of protection. He thought the law of the country, if executed with firmness, was a very strong law, and he objected to resort to temporary measures of precaution, which would by like the administration of stimulants in the place of ordinary beverage—the system having become habituated to their use, could scarcely dispense with them, and what ought to be the exception would at last become the rule. It was for this reason, that, whatever might have been the alarm prevailing in dfferent parts of the country, he had always forbone to press upon the Government the adoption of any strong coercive measures, well knowing that their certain consequence would be to relax the efficiency of the administration of the ordinary laws of the country, which might of themselves be sufficient, if properly put in force. He agreed also that it would be hightly improper to treat with indifference, and still more to treat with insult or contempt, the complaints and requisitions of persons comprising among their members many of the manufacturing and working classes. He did not conceive that any extensive combinations had taken place among those classes; and to consent to fundamental changes in the constitution of the country to meet the urgency of the demands on the part of any one portion of the community, would be an absolute dereliction of duty on the part of the House. If extensive changes were to be made, let them be made upon the conviction of the nation at large. By making such changes they would not succeed in conciliating the Chartists, but they would expose the country to peril. He would not resume the discussion upon the Reform Bill, but would only remind the House, that it was now eight years since a most extensive change in the institutions of the country had come into operation. Had not the promises of amelioration in the condition of the country from the effects of that measure proved delusive? He did not urge this now as an argument against the provisions of that bill, but to show that it was impossible to realize the hopes which were held out, and that no ulterior measures could produce the effects which the advocates of these changes anticipated in the actual state and condition of society; and he hoped now, by setting the results of experience before the Chartists, and not by the bayonet, or by measures of military or civil coercion, to bring conviction to the minds of rational Englishmen as soon as the present excitement had subsided, and to show them how little it was to their interest to take the advice of those who put themselves forth as their leaders. The hon. Member for Birmingham had recommended the formation of a National Convention. What did he say to the National Convention now? The National Convention was a body elected by universal suffrage. Now, he rather thought, that the National Convention thus chosen by universal suffrage was, nevertheless, unable to secure universal confidence, for if he did not mistake, as soon as they met in London they had declared their adherence to the principle of a metallic currency, and had thus ceased to enjoy the confidence of the hon Member for Birmingham himself. The hon. Member had forthwith disclaimed them, and professed himself ready to lose his right arm rather than abide by the decision of men who had so disappointed his expectations. Now, suppose the hon. Member had succeeded in obtaining a House of Commons returned by universal suffrage, and this House of Commons should act as the National Convention had done, and should not altogether approve of the small note system—that was what the hon. Member called it—but Cobbett had a different name for the same thing, and called it the "little shilling system"—suppose this House of Commons should be wise enough to reject the scheme, why, the hon. Gentleman would then withdraw his confidence altogether from such an assembly. [Mr. *T. Attwood:* Decidedly.] He thanked the hon. Member for his candid admission. Well, then, what would the labouring classes say, when they found their great leader declaring himself against a House of Commons chosen by universal suffrage, because it did not advise that the working classes should be paid with little shillings? Was not the declaration of the hon. Member a useful and pregnant lesson for the working classes? There could not be a more striking proof of the utter inutility of the changes which were now demanded, than the declaration on the part of the hon. Member that he was now ready to condemn the National Convention, and, it was to be supposed, to advise the election of some body of men chosen on some still more extensive and popular principle. But it was said, that there was at present an inadequate representation of the people of this country. He again asked what had been the results of the Reform Act? Had the Government been able to diminish the amount of the national debt? He would tell the hon. Member who had brought forward the present motion, that nothing could be done by introducing any little miserable economy into the administration of the affairs of this great country. Such a proceeding might tell, perhaps, in the impression which it might make upon the House on some particular evening, but it could produce absolutely no effect upon the condition of the country. Why, if the hon. Member for Kilkenny were Chancellor of the Exchequer to-morrow, his hon. Friend sitting next to him (Mr. T. Attwood) would be the first to tell him that it was Nicholas of Russia was the real enemy of the working classes, and would be so far from consenting to a reduction of the army or navy, that he would impeach the hon. Member for Kilkenny, if he did not immediately add ten sail of the line to her Majesty's fleet. The hon. Member was certainly one of the most agreeable opponents that he had ever met; he not only acquiesced in the arguments urged against him, but he was good enough to intimate his acquiescence just at the most convenient moment. The hon. Member thought that a reformed Parliament was bound to diminish the amount of taxation, and he, nevertheless, thought that a sound policy required an increase of the army and navy. Then he would ask the hon. Member how he proposed to keep faith with the public creditor, and to increase both the army and navy, and yet hold out a prospect of reduced taxation? The hon. Member meant to have recourse to the little shilling remedy; but on that point he would find himself opposed by the great majority of those by whom he was surrounded, and with whom he co-operated. The hon. Member at length uttered an expression of dissent. [*Laughter.*] But assuming that the House of Commons was now the organ of national opinion, and that it would still adhere to the principles which it had professed, he (Sir R. Peel) asked how, if it meant to keep its engagements with the public creditor, it could fulfil those expectations by which the public had been deluded, when they expected that the Reform Bill would produce a large reduction of taxation? All he said with respect to the Reform Bill was, that it had produced no such reduction, and he only urged this to show, that it was unwise to encourage the notion that any further change in the Constitution of the country would be followed by reduced taxation. He had within the last few days seen some of the consequences of refusing to maintain the Constitution of the country in its integrity, and of the agitation to procure a revolution once a-year—an expression which he borrowed from the noble Lord, the Secretary for the Home Department. He had seen papers which had been circulated about, and which proceeded from a society which far outstripped the Chartists in the liberality of its ideas. These papers treated annual Parliaments and universal suffrage with great contempt, and set forth that the real remedy for the grievances of the people was a public division of all the land in the country. They proceeded to lay down, that land, like air, was an element, and that both ought to be enjoyed in common. [“*Hear,*” *and laughter.*] Now, if the Chartists suceeeded in enforcing their demands, this new society would still be discontented and clamorous for something more. To be convinced that such had ever been the course of popular agitation and commotion, it was only necessary to refer to all past history, which showed, that wherever concessions were made, there would always be some party ready to urge that still farther concessions were necessary to satisfy the just demands of the people. He confessed he was sorry that the hon. Member for Birmingham had condescended to use some arguments founded on statements to the effect, that individuals concerned in the Birmingham riots had been set on and instigated by other parties for political purposes. It was dangerous to employ an argument which tended to diminish the indignation which such outrages would naturally excite against those who committed them. The hon. Member had done him the justice to suppose that he had no hand in causing these riots, but the hon. Member had given the House to understand that some of his supporters had been instrumental in causing the mob to commit these acts of pillage. Let not hon. Members be carried away by party feelings as to palliate offences of this description. The hon. Member assured the House that the banners carried by the persons whose cause he defended had inscribed upon them the words "Peace, law, and order;" that circumstance gave him no satisfaction; no body of men, for whatever purpose they were organized, would dare to approach a great town with banners, bearing upon them the words "Pillage! Anarchy! Confusion!" Notwithstanding they might at first bear pacific inscriptions upon their banners, and although they might be at first organized form no evil purpose, yet evil leaders would soon be found to take advantage of the organization, and under such guidance and such influence, whatever might be the mottoes of their banners, pillage, anarchy, and confusion would be the result. He hoped the population of this country would consider carefully the consequences of the course which they were urged to adopt; that they would see how little hope there was of seizing property by violence, and how great and how certain would be the loss arising from the interruption of peaceful industry but for one day. Let them consider that the ultimate triumph must be that of the authority of the law, and of the exertions of the well-affected for the protection of property. Let them recollect the consequences of the advice which they listened to, when they withdrew their money from the savings-banks in the hopes of producing ruin and confusion. Let them compare them with the certain and sweet gain of honest and peaceful exertions, and let them look at the thousands of persons who, by industry and good conduct, had raised themselves from the lowest conditions of life, and consider that by using the same means they might attain the same end. Such objects would be far more worthy of their aim than any which could be attained by following the evil counsels and evil example of those whose only design was to use the working classes as instruments of their own private gain.

Mr. *T. Attwood* begged leave to explain. He had not accused the right hon. Baronet, or any political party, of instigating the rioters at Birmingham. He had attributed the riots to the sinister advice which had been given of resorting to physical force, and not to the Whigs or the Tories, or to Nicholas of Russia. As for what the right hon. Baronet had said about public faith, he (Mr. T. Attwood) was an enemy of public faith, if the means by which 800,000,000*l.* of the people's money could be turned into 1,600,000,000*l.* were to be called a fraud, all he could say was, that he approved of such a fraud.

Mr. *Warburton* observed, that no one, with the exception of the hon. Member for Birmingham, had said anything against the proposal of the noble Lord; but at the same time several hon. Members had stated what they thought necessary to satisfy the people. Amongst the chief causes of the existing dissatisfaction they ought to enumerate the present state of parties. The two great political parties in the state were so nearly balanced that legislation was reduced to something like general anarchy. No good measure proposed by either side of the House was likely to be carried from that cause. Let them take the case of the West Indies—or the condition of the law courts. Everything was at a stand still. Let them even take the police force of the country. If the noble Lord were to propose a measure for the establishment of a constabulary force, what prospect was there of carrying it? See what had been done when the noble Lord proposed an equitable measure for the improvement of the police force of the city of London. The noble Lord had no doubt carried a measure for that purpose, but it was far less efficient than the original bill, and strangely shorn of its beams. Well then, let them look at the municipal corporations in Ireland, or to the state of the emancipated negroes. Or suppose that a general measure for banking was introduced, what prospect was there of carrying any effective and satisfactory legislative measure in regard to any of those numerous complicated and pressing interests, or as to the Corn-laws—the duties on foreign timber—or on sugar and coffee, and so also as to the Poor-laws He believed that this last measure, more than any other, had been the cause of the claims for extended representation, and of the existing discontent among the people; and his apprehension was, that Government having been obliged to bring in a measure for amending the new Poor-law, that in the present state of parties they would not be able to act honestly in that respect, and any government which endeavoured to act honestly on that subject, would be turned out of office. What chance, he asked, was there of being able to legislate well, when the moment that Government introduced any measure really deserving to be entertained, it was immediately made a party question? and what chance was there that the public could continue to hold Parliament in respect when they thus perceived that they were in such a state as not to be able to perform their functions? He saw in the present state of parties that want of rule—or anarchy, in other words—which rendered it necessary to give predominance to one party or the other. He wished for further reform, and therefore certainly wished for the predominance of the Liberal party rather than the Tory. He wished legislation to go on, and be progressive; and was an advocate for further changes in the Parliamentary franchise. On these grounds, therefore, and thinking that the course adopted by the right hon. Baronet and the noble Lord, of resisting all further changes, prevented the Liberal party from acquiring that majority which they might obtain, he considered the Government was not performing its duty to the Liberal party; and he thought if the noble Lord persisted in that course the result must be to give the Tory instead of the Liberal party predominance in the country.

Mr. *O'Connell* wished to express his anxiety to concur in the motion of the noble Lord; and if the noble Lord had thought it necessary to increase the military force much more than he had proposed, he would have supported that proposition. He thought the noble Lord well entitled to that mark of confidence in consequence of the constitutional mode he had pursued towards the meetings of the people, even when some of the speakers had perhaps exceeded the due bounds of law. He had listened to hon. Members on both sides of the House. They had spoken of the necessity of increasing the military force, by reason of the disturbed state of Canada, by reason of the combination of chiefs on our Indian frontier, by reason of the discontent now prevailing in England. But they had left out Ireland. On neither side of the House had Ireland been mentioned. He was proud of Ireland. He had a right to be proud, and to boast that Ireland needed no increase of force. The troops in that country might be safely diminished; yet hon. Members would recollect that five entire days were occupied this Session in discussing whether they ought to support a Government whose policy had been so successful in Ireland. He was quite of opinion that the middle classes in this country should have safety to life and property; but they were entitled not only to safety but security. They ought not only to be free from apprehension, but from a cause of apprehension. He would support any measure necessary for such purpose to augment the military force. The soldiers of Great Britain were not mercenaries. Nothing could be more praiseworthy than the conduct of the British soldiers in Ireland. They were always respected, and on a friendly footing with the people there, notwithstanding the the nature of the service in which they had been employed. The soldiers in Ireland had done their duty and nothing more. The right hon. Gentleman said, they ought not to make ill-judged concessions, but his argument was to the effect that they should not make any concessions at all. There was no strength in being in the wrong. They had refused to make concessions to America, and they had lost America. They refused for years to remove the penal laws affecting Ireland, and by making those concessions they had ultimately preserved Ireland. They ought to consider whether the Chartists were right in anything. The conduct of their convention had been justly condemned. Was the convention elected by universal suffrage? Nothing could be further from it. Did the wealthy classes vote in the election of the delegates? Did the Conservatives vote? Did the middle classes? Did the 30*s.* a-week operatives? No. It was the 7*s.* a-week operative and those who had scarcely anything a-week that alone took part in their election. It was, then, an exclusive body, and, like all other exclusive bodies, they voted wrong in every thing, except that by common sense they had seen the propriety of voting against the "little shilling." But he asked the House whether the people of England had not a right to ask for a concession on the franchise? The people of England were subjected to a variety of useless obstructions in the exercise of the limited right of franchise now possessed by them. So long as the present confinee right of suffrage continued, there would be never-ending discontent and distress—distress not fictitious but real; and that distress would be followed with resentment, and a determination to have it redressed. But he could not believe they ever would resort to such a foolish course as that of a month's cessation from labour; because they must perceive that a month of idleness would necessarily be followed by a month of starvation. The absurdity of the plan was only equalled by its criminality. Let the Houses concede what was just. Education was spreading —information was spreading—and they might bring thousands within the pale of the constitution who were now excluded. When the hon. Baronet talked of making ill-judged concessions, let him remember that Ireland, which now affords so much assistance to the cause of law and order, is degraded and insulted by a refusal to give her corporate reform.

Mr. *Villiers* conceived that there were two questions before the House — one whether the present force of the country was inadequate to the due protection of life and property, and whether an addition was required; the other, which arose on the amendment of the hon. Member for Kilkenny, whether the discontent of the people, which had tended to the insecurity of the country, was founded on any real grievance of which they had to complain. Now, after what he had heard stated and admitted in debate with respect to the state of the country, and the duties imposed at present upon the existing force, he could not but admit that the demand for this additional force, under existing circumstances, was justified, and he was quite ready to assent to the almost unanimous approval that had been expressed of the conduct of the noble Secretary for the Home department, in the forbearance he had shown in not seeking, till a real necessity had arisen, any further power from this House; and he congratulated the Government upon receiving the reward of general approbation for having administered the powers with which they were intrusted in that wise and merciful spirit which every friend to liberal government would approve. But, after admitting the wisdom and justice of providing for the security of life and property, throughout the country, he could not shrink from considering whether the very general discontent that prevailed had not some solid ground for it. He was bound to admit that it had; and, while he joined in condemning the insane and wicked projects of many of the people, he could not but think that much blame attached to the Legislature for its conduct towards the people. What had been the lesson that this House had taught the people, and what were the admissions that were constantly made by the House? Had they not unfortunately taught the people to expect to obtain much from fear and little from justice? Unfortunately, there was hardly any great concession that had been made to the people that was yielded to justice or to argument and was not extorted by tumult or terror. Let any man look back for ten years and ask, which of the great questions that had been settled within that period that had not, for a quarter of a century before, been argued and peacefully considered, which had not been trusted to the justice and sense of this House, but which had not ultimately been conceded from a very different motive? When the right hon. Baronet talked so rigidly of making no concession, should he not consider what influence he may have exercised himself upon the present agitators, by conceding to fear, what he had refused to justice? Was Parliamentary Reform any new topic? Was there anything new in the defects of the old system of the representation when they were removed? Was there anything fresh in the question when it was carried but the state of the country at the time? Again, why was reform in Parliament demanded? Was it for the mere purpose of change, or was it with the view to obtain that reform in the law to the want of which the people ascribed their suffering? Were not all the objects specified then which the people had been taught to believe they were entitled to obtain? Did they not, then, point to the restrictions on their trade, their industry, and their food, to unequal laws, operating unfairly between the wealthy and the poor, to the difficulties of obtaining cheap and speedy justice; and was it not expected that the reform in Parliament would have enabled the people to obtain redress for these wrongs? Was it not the promise of the Reform Bill that they would, and which of them had been redressed? He asked these things, looking to the hopes that had been raised by the Reform Bill—looking to the disappointment which had been experienced—looking to the mode in which they had taught the people to obtain redress; and he asked whether they could be surprised that they should now be discontented—that they should seek to change the constitution of this House? Did the people ever see that House united, so as to respect its power; or did they ever hear them admit that they were doing all in their power to redress the public grievances? On the contrary, did they not find them in this House, night after night, employed in villifying each other, and divided into two parties, each accusing the other of doing what the people charged upon both, namely, serving themselves at the expense of the community? He mentioned this, because he really wished it to be avowed that the people, though some few of them were injuring their cause, offending all sense and reason by resorting to violence, were yet not without just cause of complaint. And considering he was in the habit of constantly asking the attention of that House to one of the most enormous grievances which a people could endure, having a heavy tax upon their food not required by the State, he should be ashamed if he shrank from acknowledging at this moment, when he was assenting to additional power being conferred upon the Government, for the preservation of the peace endangered disaffection. that the people had great cause of complaint. He stated this, because he believed that it was in the power of this House to remedy those evils, and here he differed from the noble Lord in what he had said, when he spoke despondingly of what this House could do for the people; for he did believe that this House, by removing these mischievous restrictions on commerce and industry, which alone existed for the profit of a particular class, might enable the people to obtain more employment, higher wages, and thereby improve their condition. For it was the misery and poverty which the people endured which now entered so largely into the cause of their discontent; and unless they rendered this act of justice, he did not see with what pretence they could oppose a constitution of this House, representing more freely and fairly the wants and opinions of the country. He was glad of this discussion as he did not like that this Session should conclude without something being said to soothe the feelings and raise the hopes of those who deemed themselves so much aggrieved, and he really hoped that the House would consider it a condition of agreeing to the main question, namely, that the Government should have ample power to extend protection to men and property throughout the country, that they should fully admit that the people were wronged, that much of their legislation in this House had been narrow, selfish, and unjust, and that speedy redress should be given.

Lord *F. Egerton* said, he would vote with the noble Lord opposite, because he thought the necessity of this measure was fully proved, but he begged to say that he by no means entirely approved of the conduct of her Majesty's Government.

Mr. *Scholefield* was understood to say, that distress existed in many parts of the country to an extreme degree, and they ought to try remedial measures before they had recourse to measures of repression and severity.

Lord *J. Russell,* in reply, said, he was much gratified at the discussion that had taken place. He thought he might assume that, with respect to two points, there was a very general concurrence. In the first place, with respect to the vote to be given for the increase of the military force of the country, there was a general concurrence; and, in the next place, there was a concurrence of opinion that it was not wise, at all events before the present time, to have called for any new law, altering the constitutional safeguards of the subject. He was gratified, because he considered that the opinions of that House so expressed, and the opinions expressed in the course of this debate, by Gentlemen entertaining opinions so widely different upon other occasions, would have very great weight with the country, and would strengthen generally the cause of Government and order. With regard to the amendment that had been moved by the hon. Member for Kilkenny, he should much regret if that hon. Gentleman should think it necessary to take the sense of the House on the subject. The opinion of those calling themselves Chartists, and those opinions which were entertained in that House were widely different. The opinion of the Chartists was, that a very great part of the taxation of the country was unnecessary, and that it might be reduced to a very small amount. But in this House, with the exception of a very few indeed, the general opinion was, in the first place, that the public faith ought to be maintained; and, in the second place, that we ought not to have less establishments than were sufficient to maintain the honour and power of the country. If the hon. Gentleman's amendment were carried, those parties who entertained the notion of taxation that he had just referred to, would look for such a sweeping reduction in taxation as would lead to the total abolition of the national debt and the destruction of the establishments of the country. If then these persons saw the hon. Member for Kilkenny and the hon. Member for Bridport, and others who were the staunch advocates of the public faith and the maintenance of the power of the country, support this amendment, they would be likely to misinterpret the meaning of those hon. Gentlemen on the subject. He would not enter into the subject of the distress that existed, or of the means of relieving it, because these were matters which it was perfectly competent for the House at any time to take into consideration. He would go so far as to say this, that if they agreed to what was called the people's charter he did not know that the change would effect what some hon. Members seemed to look for, such as taking away the restrictions upon commerce and such like. He would not say that parcelling the country into districts, and having one Member returned from each district was very irrational, but he doubted whether the representatives they would send, high Tory or Radical, would entertain very liberal opinions respecting trade and commerce. He recollected that when he supported the motions of Mr. Huskisson in that House, the greatest difficulty he met with arose from the cry that he was an advocate of Huskisson and free trade. That was the most powerful cry that could be raised, for it amounted to saying that he was an enemy to the prosperity of the country, and to agriculture. The hon. Member for Bridport had, on this subject, expressed an opinion that if he (Lord J. Russell) did not adopt a certain plan of extension of reform, he would do a great evil to the Liberal party, and that the Liberal party would suffer in the country by such an action on his part. That opinion was held by his hon. Friend, and, doubtless, the reasons which had induced him to come to that opinion were sufficient to his own mind, but he had happened to come to rather a different opinion. His opinion was, that at this time particularly, when great alarm was raised, and with the knowledge that not many years ago, they had a large and wide plan of reform, his opinion was, that if he endeavoured to make the whole Liberal party go in favour of a large new scheme of reform—his opinion was, that he would not only be doing that which was not advantageous to the country, but he would be doing that of which the country would not approve; and that the Liberal party, instead of a majority, would have a decided minority. This might be quite a mistaken opinion; but, has the hon. Member for Bridport had stated his opinion, the House would perhaps forgive him for doing the same. The right hon. Baronet the Member for Tamworth had referred to opinions that were held at the time of the Reform Bill respecting improvement of the condition of the people. It was quite true that at the time of the Reform Bill, when a great change was made, many persons believed and trusted that some very great improvement in the condition of the people would be produced by that bill. He must say, that no Member of the Administration which proposed that measure was guilty of holding out any false hope on the subject. All they stated was, that the measure was more consistent with the constitution, and would tend greatly to make the Government more in accordance with the wishes and views of the people. He had himself stated that the same exaggerated hopes which were entertained of the Roman Catholic Relief Bill were also excited with regard to the measure of reform, and that the Reform Bill was the subject of many merely imaginary benefits. Many mistaken opinions were no doubt entertained on this subject, but with regard to the opinions expressed by himself, he did not think that he had held forth any undue advantage as likely to arise from the measure. He remained of the same opinion with regard to those two measures. He thought they might, by improving the representation, greatly advance the cause of good Government, and by judicious measures they might gradually and from time to time, improve the condition of the people. But they ought not to encourage the hope that any change in the persons by whom that House was elected, or any change in the mode of election, would at once produce high wages and a greater degree of comfort to the working classes. The belief of such consequences from change would tend to the total instability of our institutions, and, to expect that such consequences would flow from any Act of Parliament, would induce others to seek for such a change, from which wish it was the duty of that House to save them. For these reasons he hoped the hon. Gentleman would not press his amendment.

Amendment negatived, on the question being again put.

MESSRS. LOVETT AND COLLINS.] Mr. *Leader* rose to call the attention of the House to the petition he had presented some days ago from Lovett and Collins. The hon. Member referred to the various allegations in the petition, contending that the statement of the magistrates, so far from contradicting, confirmed the statements it contained. The petitioners did not complain so much of cruelty, as of the indignity to which they had been exposed, in having their hair cut by a felon, being washed in a bath with other prisoners, and restricted, while waiting for bail to the gaol allowance, unless they paid out of their small wages 2*s.* 6*d.* each to the turnkey, in order to induce him to cook for them some eggs and bacon. They also complained of being paraded into the yard uncovered, to be shewn like wild beasts to every stranger who might visit the prison. They did not complain of the magistrates, but of the harshness of the regulations, with the view of producing some alterations in the law. They also complained that they were not allowed to see their friends, excepting for a short time every day, and that, too, in the presence of the turnkeys; that they were debarred from the free use of pen, ink, paper; and that everything which they wrote was subject to the inspection of the jailor. Now, how could any prisoner prepare his defence, unless he had liberty to consult with his friends and legal advisers, without the presence of a turnkey, and unless he had the power of writing whatever he pleased, without the inspection of the gaoler? No man, however innocent, would like to trust his defence to such inspection. The amount of bail, too, exacted from these men was excessive. They were only mechanics, and yet they had been called on to find bail in 1,000*l.* each, themselves in 500*l.* each, with two sureties in 250*l.* each. Surely that was excessive bail for a libel, for which, but a few years since, a man could not be committed to prison before conviction. He was surprised that persons in authority should act with such harshness in cases where harshness was of no use, for even with less bail, the parties would have been compelled to come forward and stand their trial. He trusted, that if the law did permit these gaol regulations to be applied to prisoners waiting for bail, the law itself would be speedily altered.

Sir *E. Wilmot* said, the hon. Member had confounded two things, which were quite distinct—the one being the regulations of the gaol, and the other how far those regulations had been applied with severity to these individuals. He was free to admit that no regulations should be tolerated in any prison, save such as were necessary for the safe custody of its inmates. But the regulations for safe custody did not consist entirely in grates and bolts, and strongly guarded cells. Cleanliness was one necessary ingredient in them; dietary another; not having money a third; and not having any deadly weapon wherewith to effect an escape was a fourth. Lovett said, that he had been placed in a ward with common felons, that he had been compelled to strip and to wash himself in a dirty bath, that his hair had been cut against his will, that his money had been taken from him, that he had not been allowed any other dietary than that of the prison; that pen, ink, and paper had been denied to him, and that everything he wrote was liable to be inspected by the gaoler. The magistrates had made a report upon all these charges; but he would leave their report out of his consideration, and would only refer to the evidence which had been taken before them. That evidence contradicted nearly every statement in the petition. Lovett had not been committed to the prison at Warwick for want of bail, but for a misdemeanour. The only thing, therefore, that the gaoler could do with him was to place him in the misdemeanour-ward. As to his allegations about the dirty bath, it appeared that he had gone into the bath first, that the water of it was fresh and sweet, and that he had been accommodated with a clean towel. When he came out of the bath he said, "It is very refreshing; it is quite worth a guinea." Collins, however, owing to some mistake, had gone into the bath after another person, but that person, on being told that he had no business there then, had come out of it, and Collins expressed himself satisfied. The hair of Collins had not been touched; and Lovett, having been asked if his hair should be cut, directed that a little of it should be taken off behind. He understood that the hair which had been taken off Lovett's head had been sent up to an eccentric Ex-chancellor, who kept it in his pocket, he supposed, to produce elsewhere, whenever he deemed it expedient. With respect to the dietary of the gaol, he had only to say, that it was better than that of any union work-house in the kingdom. To be sure it was not such as either the hon. Member for Westminster or himself would thrive on, but it was notorious that many persons who had applied to the gaoler for leave to provide for themselves, had afterwards requested to be put back upon the county allowance. With regard to the allegation of Lovett, that his money had been taken from him, it appeared that when he arrived at the prison he had 3*l.* 11*s.* about his person. Of this sum 3*l.* had been taken from him, for which he received a ticket, and 11*s.* had been left at his disposal. It appeared from the statement of the turnkey, that for pen, ink, and paper, he had never applied at all; but that the gaoler, apprehending that he might want them, had given him three folio sheets of paper, which he had taken out of the gaol with him unexamined. This was the answer the magistrates made to the allegations of Lovett; and a complete answer he took it to be. He thought that the statements in the petition should be examined into, in order that if they were true, the regulations in the gaol might be amended; and that if they were false, justice might be done to the parties who were unjustly accused. He might here state that Dr. Taylor, who had also been committed to Warwick gaol for a misdemeanour, had been bailed out of it by the hon. Member for Warwick, and on his liberation had expressed himself satisfied with the treatment which he had received whilst a prisoner within its walls. His opinion was that an attempt had been made by these two individuals, Lovett and Collins, to excite a feeling in Birmingham adverse to the magistracy of the County of Warwick, and in that attempt they had made use of the hon. Member for Westminster as their instrument. The hon. Member for Warwick, who had lived all his life in that town, and who was one of the visiting magistrates of the gaol, was ready to confirm all that he had said on the subject; and for his own part he would challenge a comparison between the state of Warwick gaol and that of any other gaol in the kingdom.

Mr. *Hawes* contended, that the regulations of Warwick gaol, as applied to prisoners before trial, were illegal, and not warranted by any clause in the Gaol Act. The prisoners, Lovett and Collins, ought not to have been subjected to any indignities, and in being subjected to them had been treated with much illegality. The petitioners had been subjected to avoidable severities, which were not justified by the Gaol Act, and therefore the Warwickshire magistrates were justly amenable to censure. All prisoners committed for trial ought to be treated as innocent until they were proved to be guilty.

Mr. *O'Connell* admitted the conduct of the gaoler to be irreproachable. So far as the manner of the management of the bath went, very exaggerated circumstances had, undoubtedly, been stated. But it must not be kept out of sight, that, in the first instance, both Lovett and Collins had been stripped stark-naked in the presence of two gaolers. That was not one of the regulations, though it was the practice of the gaol, and he must say that it was disgraceful to offer untried prisoners, committed for a misdemeanor, such an indignity. Then, again, they were obliged to go into a cold bath. Now, many persons had an utter abhorrence of a cold bath. some liked the luxury of a warm bath, but a cold one might be positively injurious to the health of many men. Of all these regulations the parties had a right to complain, and he hoped that it would induce the magistrates to look into the gaol regulations a little more strictly.

House in Committee of Supply.

INCREASE OF THE ARMY.] Viscount *Howick* moved, that a sum of 75,000*l.* be granted to her Majesty to defray the expense of levy money, maintenance, &c., till the 31st day of March, 1840, to be incurred by augmenting the strength of the several regiments on foreign and domestic service, exclusive of India, from 739 men to 800 rank and file. He would merely observe, that the proposed augmentation would be carried into effect at the least possible expense. The Government proposed to raise the strength of the regiments of infantry from 739 to 800 men, and there being 83 battalions of regular infantry, exclusive of those in India, this would require an augmentation of 5,395 men. The whole expense of that number of men for twelve months would be 127,000*l.*, and the first year there would be an additional expense for clothing, which would make the whole charge 167,500*l.* But as a considerable proportion of the financial year had already elapsed, and as the recruiting of so large a number of men, especially at this season of the year, would go on but slowly, it was thought that a sum of 75,000*l.* would be sufficient to meet the expenses actually incurred by the intended augmentation. He had, however, considered it right, while asking for that sum, to state to the House what would be the actual expenditure for the whole year.

The Earl of *Darlington* said, it appeared to him, that adding sixty men to each regiment, would, in the first place, make the increased force very little available for domestic service, as the regiments would be so dispersed that they would not be able to give the additional military assistance which the Government required. He imagined that the augmentation might have been made at a less expense, and at the same time in a more effective manner, if the same amount of men had been raised from the militia regiments, instead of increasing the line.

Lord *Howick* said, that the noble Lord was entirely mistaken. The noble Lord was mistaken about the reduction of the force about to be recruited. By making the augmentation in the manner in which it was now done, by an addition to the rank and file of the army, whenever it was probable that the circumstances of the country would enable us to reduce, it could be done at once with perfect facility by checking recruiting, because the regular drain in our own army was so great, that the strength of each regiment would be kept down to a certain extent by stopping recruiting for a few months. He might add, that the proposition of the noble Lord would have done nothing for the relief of the regiments engaged on colonial service, but the additional force now raised would be available both for foreign and domestic service.

Vote agreed to.

Other votes agreed to.

The next vote was 68,000*l.* for Scotch universities.

The vote was then agreed to.

The House resumed.

BIRMINGHAM POLICE.] Lord *John Russell*, instead of moving that the House resolve itself into Committee on the subject of the Birmingham police, wished to withdraw the bill now before the House, for the purpose of introducing another bill, founded on the principle of forming a police for the town of Birmingham on the principle of the metropolitan police, the commissioners to be appointed by the Government. He should propose that this system should exist for a specified time. The same difficulties, too, existed in Manchester as at Birmingham, arising from the charter, so that no rate could be made. He had understood since he last addressed the House that no efficient and public police could be maintained in either of those towns during the period of time that the charter was under consideration before a court of law. While the existing disputes were going on, there would be an entire want of local police in Birmingham, and it was probable that great inconvenience would arise, if the House did not interfere. This was also the case with Manchester—one of the most important towns in the country, whether we regarded it as a manufacturing emporium, or as the centre of a large and populous district of country, which would also suffer from the absence of a police, unless the House adopted some course. It would therefore be desirable to adopt some plan to which neither party in either of these towns could object. For his own part, he thought that the charter was valid, but the powers under it were now disputed, and therefore it was necessary to provide a police for both towns! He should therefore move that the Birmingham Police Bill be withdrawn.

Mr. *Hume* stated that, if the same difficulties were found to exist in both these towns, and the charters of neither gave power to raise a police-rate, the noble Lord should bring in a general enactment to give these powers. It should be made applicable to all new corporations. He had that morning received a letter from Birmingham on this subject, and the writer stated that he had read the debate in the House of Commons; and, although it was long since he had ceased to expect any liberal measure from the Government, yet he was astonished that the proposition of the Birmingham Tories should be adopted by the noble Lord, taking the management of the police out of the hands of the town-council, and he was sure that the town-council never would submit or put the seal to a rate for there payment of the advance, but that they would resist such an exaction by every means in their power. All the difficulty had arisen from the noble Lord having granted an erroneous charter to the town. He was satisfied that no Friend to municipal government could sanction such a bill as the noble Lord proposed to substitute for the measure before the House.

Lord *J. Russell* would be very glad if both Birmingham and Manchester could have the benefits that were intended by granting the charter. He believed that they were both valid charters; but he did not think that it would be so easy as the hon. Member supposed to persuade the opponents of the charter to agree to the first bill, and if it were persisted in, the probability was, that they would get persons either in that or the other House of Parliament successfully to resist the measure which might be fatal to the establishment of a municipal police in both towns. The hon. Gentleman said, that he was informed that the plan proposed emanated from the Birmingham Tories. Now he was told that these were a very violent set of persons, but he did not think, if this were the case, that this measure was of so violent a party character as might be expected from them. They did not propose that their own party should have any influence over the police, but that powers might be given to the Government to appoint the police. The bill did not give the power of nominating the police to the town-council, to which body he thought it ought to be given, but circumstances prevented this being done at present. For his own part he did not think that the Birmingham Tories would have any power under this bill.

Mr. *C. Buller* would oppose the proposition of the noble Lord, having supported the original measure. The noble Lord had not stated any sufficient reason why that should be abandoned, unless it was, as was alleged by his hon. Friend, to oblige the Birmingham Tories, who said, that they would not pay rates for a police force. He thought, that any man who acted upon such a principle, and resisted the payment of a rate for the police, did so from the strongest party feeling. He protested against this measure on every principle of municipal government, as the police should be under the control of the proper local authorities. It would be most objectionable for this country to adopt the French system of police. If this plan was adapted to Birmingham, why not to other places? A different principle however, had been adopted with regard to the rural police, where the appointment of the police was left to the magistrates. It was said, that this was to be only a temporary bill, but he objected to it the more on this account. It generally happened, however, that when the Government got a temporary power of this nature. it was very apt to become permanent. He could hardly account for the noble Lord's conduct in giving the Liberal party at Birmingham such a slap in the face as he would do by the present bill. This was neither wise nor expedient. The noble Lord gave the appointment of the rural police for Warwickshire to the Tory magistrates for the county, and he refused to allow the magistrates of Birmingham the nomination of the police of the town. He had no wish to offer anything like a vexatious opposition to the measure, but he felt it to be his duty to take the sense of the House with respect to the withdrawal of the original bill of the Government.

Sir *Robert Peel* said, that as the hon. Gentleman had been pleased to state what should be the law as to the constitution of a police force, he ought not to forget the nature of the measures he had formerly supported on this subject. He did not know how the hon. Member could reconcile his opinion with the vote that he had given for placing the police force in Ireland under the control of the authorities in Dublin. The hon. Gentleman said, that the institutions should be similar in the two countries, and yet he allowed the control of the 8,000 police in Ireland to be taken from the local authorities and placed under the government. If this was a barbarous system, and if Irish institutions should be like English institutions, why did not the hon. Gentleman urge this opinion when the subject of the Irish police was before the House? He had perfectly concurred with the view that the noble Lord had taken of that subject, and had voted against many of his Friends who proposed that the magistracy should have the nomination of the police force. Again, in the Irish Municipal Bill it was proposed that the new corporations should not have the control over the police; and under these circumstances —and the clause was not opposed by the hon. Gentleman—the great and magnificent principle of local government would be violated. The hon. Gentleman also complained of placing the police under the Tory magistrates of Warwickshire, while it was withheld from the Liberal magistrates of Birmingham. He was satisfied that if the controul of the police were for two years vested in an independent authority, the corporation, at the expiration of that period, would find themselves in possession of a better organized force than if at the present moment it were endeavoured to be established upon any other footing. At all events, whilst the power of the corporation to levy a rate remained in doubt he did not know what other course the noble Lord could adopt than to move for the introduction of a bill similar to that which he proposed to introduce, in lieu of that which had previously been under the consideration of the House.

Mr. *Gisborne* concurred in all that had fallen from his hon. Friend the Member for Liskeard. He objected, in so thin a House, to setting aside so great a principle as that upon which the English corporations were based. He wished to know from the noble Lord, before he gave any vote upon the subject, if the principle which his proposal embodied was intended to be applied to all the other corporate towns as well as Birmingham, or was it merely a special application which he required for that town?

Lord *J. Russell:* With respect to such towns as Newcastle-upon-Tyne and Stockport, where the powers of the corporations were not disputed, and had been found efficient for all the purposes for which they were intended, and in which they had a proper police under the corporation —it was not intended to take such steps.

Mr. *P. Thompson* said, that at present it could not be decided who had the legal and proper authority in Manchester and Birmingham, and unless they passed an Act of Parliament to settle it, pending the decision on the subject, which would be an unprecedented proceeding, they had no other course but that which was proposed. The course which they proposed to take, would not by any means impugn the principle of their former vote.

Mr. *M. Philips* said, that the question in dispute was not the validity of the charter, but merely the right of collecting the rates. He saw nothing tyrannical in the proposition of the noble Lord, and he thought that it was fully justified by existing circumstances.

Viscount *Clements* said, that if they established a police of this kind, there would be no longer any occasion for an army, for, to all intents and purposes, the police would be soldiers. He had seen the evils of an armed police in Ireland, and he had no wish to see the same system adopted in this country.

Mr. *Scholefield* said, that the town council of Birmingham had evinced every desire to discharge their duty, so far as they had the means of doing so, and he thought they were the proper parties to have the management of the local police; but as this was only to be a temporary measure, he should throw no obstacle in the way of the proposition of the noble Lord.

Mr. *Thomas Attwood* said, that if the noble Lord withdrew his bill, the better way would be to abandon all plans on the subject, and to leave the town as it was. He denied that there had been any very great disturbances at Birmingham—and his opinion was, that no disturbance would have taken place if a police force had not been sent down there from London. He entreated the noble Lord either to persevere in his bill, or to leave the town as it was; for the peace would be better preserved by the existing authorities than by the new plan which the noble Lord proposed to adopt.

The House divided on the question, that the bill be withdrawn: Ayes 80; Noes 14: —Majority 66.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Alsager, Captain
Baker, E.
Barnard, E. G.
Berkeley, hon. C.
Blackburne, I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brownrigg, S.
Clerk, Sir G.
Cochrane, Sir T. J.
Cowper, hon. W. F.
De Horsey, S. H.
Donkin, Sir R. S.
Douglas, Sir C. E.
Fitzpatrick, J. W.
Fremantle, Sir T.
Gisborne, T.
Gordon, R.
Graham, rt. hn. Sir. J.
Grey, rt. hon. Sir G.
Hamilton, C. J. B.
Harcourt, G. G.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hoskins, K.
Howard, P. H.
Inglis, Sir R. H.
Irton, S.
Kemble, H.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lockhart, A. M.
Lowther, J. H.
Meynell, Captain
Morpeth, Viscount
Morris, D.
Norreys, Lord
O'Connell, M. J.
O'Ferrall, R. M.
Paget, F.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval, Colonel
Philips, M.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seymour, Lord
Somerville, Sir W. M.
Stanley, hon. E. J.

Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Surrey, Earl of
Thomson, rt. hn.C. P.
Troubridge, Sir E. T.
Waddington, H. S.
Wilbraham, G.
Wilmot, Sir J. E.
Wilshere, W.
Wood, C.
Wood, G. W.
Wood, Colonel T.
Worsley, Lord

TELLERS.
Baring, F. T.
Maule, hon. F.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Brotherton, J.
Buller, C.
Clements, Viscount
Duncombe, T.
Hutt, W.
O'Connell, D.
Oswald, J.
Scholefield, J.
Seale, Sir J. H.
Thornely, T.
Vigors, N. A.
Wakley, T.

TELLERS.
Hume, J.
Warburton, H.

Lord *J. Russell* moved for leave to bring in a bill for improving the police in the town of Birmingham (No. 2.)

Mr. *Hume* objected to proceeding farther at that late hour.

Lord *J. Russell* said, at that late period of the Session, it was absolutely necesssary that this bill should be proceeded with without a moment's delay. It might be fair, perhaps, to raise the question as to whether it would be better to have the police of the town of Birmingham under the control of the town council rather than under the control of a commissioner appointed by the Secretary of State? But, at the same time, hon. Gentlemen who were desirous of raising that question, should not forget, that at present the town council had no power to levy rates. That he admitted would be a fair question, and he would not object to its being raised; but he thought that that subject had already been sufficiently debated, and that in point of fact the sense of the House had been taken upon it by the division which had just occurred. With this impression on his mind, what he meant to put to the House was, whether the House generally would not support him in establishing a police for Birmingham, and that, too, by suspending the orders of the day for facilitating the measure through its different stages.

Mr. *Hume* denied that the sense of the House had been taken on the subject, because the only point which had been discussed was, as to whether the other bill should be withdrawn or not. It was now nearly two o'clock, and that was not, he thought, a proper season for the introduction of a bill of this kind. He was convinced, from all the communications which he had received from Birmingham, that this bill would be just as obnoxious as the one which the noble Lord had just abandoned, and therefore he felt it to be his duty to move, that the House do now adjourn.

Lord *J. Russell* hoped the House would agree to his motion. Until the doubt respecting the Charter was set at rest, the town would remain in its present predicament, and the question was, could they deem the present police of Birmingham sufficient for the preservation of the peace of that town?

Mr. *Oswald* said, that in his opinion, the course taken by the noble Lord was necessary, and, for his own part, he could not help thinking that the opposition of his hon. Friend the Member for Kilkenny had the appearance of a factious opposition.

Amendment withdrawn.

The House divided on the original question: Ayes 77; Noes 3:—Majority 74.

List of the NOES.

Attwood, T.
O'Connell, D.
Wakley, T.

TELLERS.
Hume, J.
Duncombe, T.

Bill brought in, and read a first time.

* * *

HOUSE OF LORDS,

Monday, August 5, 1839.

MINUTES.] Bills. Read a first time:—Assaults (Ireland); Constabulary Force (Ireland); Slave Trade Treaties; Sheep Stealers (Ireland); New South Wales.—Read a second time:—Public Works (Ireland); Railway Constables.—Read a third time:—Cathedral and Ecclesiastical Preferment; Turnpike Tolls.

Petitions presented. By the Bishop of London, from Dewsbury, Bishops Stortford, and other place, for the better Observance of the Sabbath.—By Lord Hatherton, from Kilkenny, for Alteration in Spirit Licenses.—By the Earl of Lichfield, from East Dereham, by Lord Duncannon, from Collumpton, by Viscount Melbourne, from London, and from several places, for a Uniform Penny Postage.

PUBLIC DISCONTENT.] The Earl of *Wilton* wished to call the attention of the House and the noble Viscount to certain facts which had come to his knowledge illustrative of the state of the manufacturing districts. At Bolton, night after night, large multitudes had for a long time assembled in a field bordering upon the House of the mayor, and on Sunday last the parish church had been forcibly taken possession of by the mob; yesterday the same thing had taken place; and at the time the post left, they had not quitted the church. Besides this, a placard, which he would read to their Lordships, had for a great number of days been stuck upon the walls of Bolton; and no steps had been taken in consequence of it, even as regarded the persons who had signed the placard, as the chairman and secretary of the society. The noble Earl read the following placard:—

> "Resolution unanimously agreed to by the General Convention, Wednesday, July 10, 1839, 'That this Convention has read, with feelings of inexpressible indignation, the statements said to have been made last night in the House of Commons by the Secretary of State for the Home Department, relative to the necessity and propriety of employing the metropolitan police force in various parts of the country for the suppression of public meetings of the people peaceably conducted; and further, the approbatory remarks of the same Minister, of the bloody-minded and atrocious assault made upon the people of Birmingham by a portion of that unconstitutional and obnoxious force; and this Convention is of opinion, that whenever and wherever persons assembled for just and lawful purposes, and conducting themselves without riot or tumult, are so assailed by the police or others, they are justified, upon every principle of law and self-preservation, in meeting force by force, even to the slaying of the persons guilty of such atrocious and ferocious assaults upon their rights, and persons.—By order of the Convention.—James Taylor, Chairman; Robert Heartwell, Secretary, P.M.'"

Now, all that the Government had done to meet these proceedings was confined to a letter written by the Secretary of State to the magistrates, advising them to proceed against the persons concerned as for a misdemeanour; but he pressed it upon the attention of the noble Viscount, whether, under that very alarming state of things, some more energetic and active steps should not be taken. He could assure the noble Viscount, that he mentioned these circumstances without any feeling of animosity to the Government, his only object was, that the public peace might be maintained; he was going to Lancashire that night, and was anxious to assist the Government in any way, or furnish them with any information in his power. He only trusted, that it would be received in the same spirit in which it was offered, and in whatever was done by the Government, they might depend on the active co-operation and support of the great bulk of the well-disposed persons in that part of the country.

Viscount *Melbourne*: I give the noble Earl full credit for sincerity, and I believe that he has stated these circumstances from no feeling of hostility towards the Government or any Member of it; and solely from an anxious desire that these circumstances of danger should receive, as they demand, the attention of the Government. In the work of preserving the public peace I feel perfectly assured, that we shall have the active and firm and anxious support of the noble Lord, and I trust, also, of every other Peer, to whatever party in the country he may belong. I am perfectly aware, that circumstances and proceedings of a dangerous and formidable character are going on in many parts of the country; I am perfectly aware, that the state of many parts of the country is by no means satisfactory; it is unquestionably pregnant with circumstances which cannot but excite considerable uneasiness and alarm; and I am perfectly aware that such proceedings as the noble Lord has described, as the breaking into and taking possession of churches, have lately been followed as a mode of great annoyance, and as a mode unquestionably, in my opinion, of breaking the public peace; and that mode has been resorted to in many parts of the country. As to the placard, a part of what the noble Lord has read, I only mention that, because I wish to make one observation, which appears to me to apply strongly to the general features of these proceedings. That placard, in my opinion, is very artfully worded. If I comprehend rightly what the noble Lord read, it asserts, that if an unprovoked attack is made upon a body of persons, lawfully assembled for lawful purposes, a right is thereby given to them to resist that attack by force; and I don't exactly know that that can be contradicted—I don't know any answer that can be given to that assertion. I admit, that the real intention and object is, as I believe, to urge the people to resistance and violation of the public peace; but I cannot help observing, that with the legal powers which exist in this country—with the privilege of free speech and free discussion which exists—in order to be extremely inflammatory and exciting, it is by no means necessary to break the law. On the contrary, it is not so entirely the breach and the violation of the law which is to be dreaded, as the abuse of the law, and the pushing to the utmost of those powers and privileges which the people legally possess. The noble Lord urges on me to take stronger measures than those which have been already adopted by my noble Friend, the Secretary of State; but I do not know what stronger measures it is possible for the Government to take, or what greater assistance can be afforded, under the present circumstances. The military force of the country has been considerably reinforced and augmented, and means have been taken to inform the magistrates, that every exertion would be made by the Government to maintain and support them in their efforts to preserve the public peace; but, my Lords, it is quite impossible to fill every part of the country with a military force. It is quite impossible to have a sufficient force in every place when danger may be apprehended, to put down any outbreak on the instant. All that can be done is, to use the force which is in our possession in the best manner for the purpose of suppressing violence, and affording protection from apprehended danger.—Subject at at end.

MUNICIPAL CORPORATIONS (IRELAND).] On the order of the day for the third reading of the Municipal Corporations (Ireland) Bill,

The Marquess of *Conyngham* could not but express the deep regret which as an Irishman he felt at the course which their Lordships had pursued with regard to this Bill. England and Scotland had received a liberal measure of municipal reform, but their Lordships had declared that Irishmen were unfit to enjoy municipal privileges. Was that fair to Ireland at a moment when greater tranquillity prevailed there than had been known for years. A force of 12,000 or 13,000 was now stationed in that country, whereas formerly the number was about 25,000. He lamented extremely that amendments had been made which rendered the rejection of the bill elsewhere certain, and that their Lordships had not taken that opportunity of setting at rest for ever this long-discussed and much wished-for measure.

The Earl of *Haddington* said, that if this long-discussed and much-wished-for measure were not set at rest, it was the fault of those who rejected it elsewhere. He had been one of those who concurred in the opinion that it was advisable to abolish the old corporations, and not for to create others—until the state of parties in that country should be such as to afford a suitable opportunity for introducing a system of municipal government in which all parties might share. He feared that that state of things did not at present exist; but it had been found impossible to adhere to that plan, not so much from the feeling which existed in Ireland as that which naturally prevailed in this country on that subject. Accordingly, the noble Duke and those who acted with him adopted the principle of granting new corporations to Ireland as soon as the Government had enabled it to be done with security to the Church by passing a Tithe Bill, and with advantage to the towns themselves, by passing a Poor-law. Both these measures had since passed; and their Lordships had now agreed to the present bill with those amendments which they thought necessary to render it as safe a measure as possible. The best way to do justice to Ireland was so to model the bills that came before them, that when they were carried into effect they might conduce to the preservation of life and property, and to the support and supremacy of the law.

The Marquess of *Lansdowne* had every reason to believe that their Lordships had introduced one amendment which would render it impossible for the other House in conformity with its usage, to pass that bill. He did not say that it was intended to have that effect; but it probably would, as their Lordships had not done everything in their power to render the measure palatable to the other House.

Lord *Fitzgerald and Vesey* said, that it was quite consistent with the view which the noble Marquess and his Friends had taken to feel and tell their Lordships that they had not done all that they ought and might have done to reconcile the other House to this bill; but when they heard from the noble Marquess that one of the amendments which their Lordships had made in that bill, though not intended, was yet calculated to defeat that measure, because it interfered with the privileges of the other House, it was fitting that they who had supported it should state that their opinion on that subject was entirely different. The amendment to which the noble Marquess alluded was one which it had not been necessary for their Lordships to introduce into any of the former measures; for it referred to a provision which had been this Session for the first time introduced by the House of Commons into the Irish Municipal Reform Bill. Though the former bills had embodied all the wisdom of the Government—and had been put forward as all-sufficient, it had never been proposed until the present year to transfer to the town councils all the fiscal powers of the towns and counties of towns in Ireland, and to withhold them from the grand juries—a high, unimpeached, respected, and old constitutional body. Now for the first time that provision had been introduced; and they might, therefore, justly conclude that, on account of the jealousy which that House had exhibited of giving undue powers to the town councils, the House of Commons had been desirous of reconciling that House to the original bill by extending the powers which that House proposed to limit. He could not, however, find in that course any indication of a desire to meet the views of that House. But what was the interference with the privileges of the other House? The House of Commons proposed a new clause, which was to take the power of levying money from the grand juries, and vest it in the town councils; and their Lordships had rejected that clause; but were they for that to be told that they had interfered with the privileges of the other House? They had a right to reject a money bill and a money clause; and all they had done in this case was to leave the law as it stood. He had heard with astonishment that such an objection would be taken. Upon that subject he had referred to a noble and learned Lord, whose opinion, if he were to mention his name, would meet with the respect of the noble Marquess, as of every other Member of the House; and he had told him it was no interference with the privileges of the House of Commons. He knew that in various instances similar proceedings had taken place, when no objection was made, and when it was not necessary to find out a pretext whereon to hang an additional objection to the bill. When the noble Viscount (Melbourne) the other night objected to the various amendments made in that bill, and amongst others to one relating to the appointment of sheriffs, he thought that he was acting inconsistently with the course which he had taken on a former occasion; he thought that the amendment was precisely the same as a clause in the first bill which the noble Viscount had brought before that House on the subject; but, at that time he bowed to the assurance of the noble Viscount, that the first bill gave the appointment to the town councils, thinking the noble Viscount had a much better right to know his own bill than he had. However, he had since ascertained that the noble Viscount was incorrect in his recollection of what he himself had proposed. When that first Municipal Reform Bill was in the other House, a discussion arose, and an objection was made to reposing that trust of appointing the sheriffs in the town councils, whereupon an amendment was moved, or, at all events, admitted by the Government, which contained the very provision now introduced as an amendment into this bill, and forming, as the noble Viscount had said, one of his insuperable objections to the measure. The noble Viscount, upon introducing that former bill to their Lordships, had said—

> "The 53rd clause gives to the Lord-lieutenant the power of appointing the sheriffs, who, in the English Bill, are to be appointed by the town councils; but it can hardly be necessary that I should explain to your Lordships how necessary it is that any function so intimately connected with the administration of justice, should in Ireland be confined to the Lord-lieutenant."

Such was the argument of the noble Viscount three years ago, such was the sentiment of the Government embodied in the bill, and yet on Friday evening their Lordships had heard that same noble Viscount state that very amendment, amongst others, as an insuperable objection to the bill, and as one reason why he thought it to be his duty to record his dissent. He had felt it to be due to those who had taken the same view of the amendment with himself, and adhered to it, to remind their Lordships of these circumstances.

Viscount *Melbourne* said—the noble Lord, I believe, has stated very correctly what took place with regard to that former bill. The bill when it was first introduced gave the nomination to the town councils; but it was altered in the other House. Now, my Lords, the other night I did not say that this was an insuperable objection to the measure; I said it was a strong objection, but besides that I beg leave to remind your Lordships that I did most distinctly state that upon general principles I concurred in the proposition of an appointment by the Crown, but that, in consideration of the circumstances of that country, and in consequence of conversation which I had had with those who are intimate with that country, I did think it wise and prudent to guard that nomination as it is guarded by this bill, which was sent up by the House of Commons.

Viscount *Gort* was sorry that with regard to this bill he differed from a great number of their Lordships. He admitted that the measure was deprived of its worst features by the amendments of their Lordships; but this great objection still remained, that it took from the Protestants of Ireland the corporations, which were entrusted to them centuries ago. He thought that the example of Birmingham, where it appeared that confusion and riot went hand in hand with the Radical Charter, ought to serve as a warning to them, and that they ought to avoid similar results in Ireland by refusing their consent to this bill.

The Bill read a third time and passed.

UNIFORM PENNY POSTAGE.] Lord Ashburton presented several petitions in favour of this bill.

Viscount *Melbourne* rose to move the second reading of the Postage Duties Bill. Its provisions, he observed, were extremely clear and simple. They were for the purpose of fully investing the Treasury with powers which for the most part it already possessed, but none of which it would appear to have been given it for the purpose of so great an alteration as that now proposed. These powers were to increase and diminish the rates of postage, the power to reconstruct and new regulate the whole of the present system, and to take into consideration the subject of Parliamentary and official franking, and generally all the powers necessary to carry into effect that important measure of which their Lordships had heard so much. The general object of the measure was to establish an uniform penny postage. It was not decided at present whether this payment should be made in the first instance or not; but the principal feature was, that the rate should be an uniform rate of one penny for each letter under a certain weight. It was not necessary for him to point out how great would be the advantages, commercial and social, which would result from this change. These advantages were admitted by all who had expressed an opinion on the subject, and must, indeed, be at once obvious. If he were called upon to quote any opinion in favour of the change, he could not name a higher authority than the noble Lord opposite (Lord Ashburton), who had in his evidence upon the subject given his most unqualified approbation of the proposed alteration. That noble Lord had, indeed, pressed his opinion, that the present postage duties were one of the worst of our taxes. He did not go quite to this extent: he did not consider the postage duties either the worst, or among the most injurious of our taxes; but at the same time he quite agreed with the noble Lord in his general view of the subject. He perfectly agreed, that although all these advantages might not result—that the calculations that had been made might be exaggerated, and that greater effect might be anticipated than would really result, at the same time it was impossible not to be convinced that considerable advantage would follow—that great commercial advantages would be derived, and also much benefit would unquestionably result to the poorer classes of the community from the establishment of a cheap system of communication. There was another matter which was made manifest in the evidence as the result of a high charge for postage, the extraordinary contraband conveyance of letters. It had become necessary to make reductions in the rates of postage to the extent contemplated by this bill, in order to protect both the revenue and the morals of the people. For it must be recollected if only a small reduction were made, it would not affect the object in view; for while the modes of evasion had been organised and put into play, so that they might be resorted to with ease, it had become almost a habit, and persons for the sake of a very small profit would be induced to follow the contraband trade of conveying letters; and above all, when it was the most easy matter in the world to pursue it. He should therefore say that, so far as this plan was for the general benefit, and as also for the purpose of collecting the revenue, the reduction should be made to such an extent as to ensure the object of stopping the contraband trade. If this were done, he thought that there would be no question as to the advantages of the system. Then, as to the effects that it was likely to have—all nations, ever since the establishment of the postage of letters, had made it a source of revenue; and in this country a revenue had been collected in this way, as in all other countries, and generally speaking, when the finance minister wanted to get such a sum as 100,000*l.* a-year more for the revenue, he would ask the House whether it had not been very much the custom to have resource to placing an additional penny on the postage of letters. He had often heard a right hon. Friend of his say, that letters would bear a little more postage, and unquestionably in this country they had been a prominent source of revenue. A paper had been laid on the table, on the motion of a noble Friend of his, giving a statement of the present state of the revenue, and if noble Lords considered either the gross or nett amount derived from postage, it would undoubtedly appear to be a very large proportion of revenue. It had been supposed by some persons, that if they reduced the charge of postage to the rate proposed, that such would be the increase in the number of letters, that the present amount of revenue would be almost made up, and very little loss of revenue would be sustained. On the other hand it was said, that when you adopted this plan you not only dealt with the net revenue but with the gross revenue, amounting to 2,400,000*l.*, and that it was probable that if you adopted the proposed plan, you would have such a deficiency in your revenue, that you would have to lay on a fresh tax to that amount to enable the business of the state to be carried on. These were the statements that were made on opposite sides by the supporters or opponents of the measure, and he must say that both would be found to be equally exaggerated. In the most sanguine statements of Mr. Hill that Gentleman had never calculated, that the number of letters conveyed by the post would be more than quintupled, and that therefore there would be a loss to the revenue of something less than 300,000*l.* He felt, that he should be very sanguine, if he made a prediction, or pledged himself to the subject one way or the other, but as far as he was able to form an opinion from the calculations of those who were thought the best able to make a correct computation on the subject, he must say, that he did not think that there was sufficient means of forming anything like a near estimate on the subject. That the reduction would lead to an increase of the number of letters there could be little doubt; but that there would be such an increase as would make up for the loss by the reduction, he would not take upon himself to state. It was on these grounds that Ministers called upon Parliament, on introducing this bill, to give a distinct and decided pledge, that if any deficiency of revenue should arise in consequence of the adoption of this plan, Parliament would make it good. In consequence of the papers moved for, their Lordships were in possession of the state of the revenue and expenditure of the country, including the revenue of the Post-office, and they were also in possession of a paper moved for by his noble Friend, giving an estimate by the Chancellor of the Exchequer of what he calculated would be the revenue of the future year. He believed, that previously such an estimate had only been made in the Chancellor of the Exchequer's annual statement, and that such a document had never before been laid on the table of that House of Parliament. For the last year, and, indeed, for the two last years, the income of the country had not been equal to its expenditure, and this had not arisen from any falling off in the revenue, but was owing to the great increase that had arisen in the public expenditure. This was not a satisfactory state of things; but when they were dealing with such an immense sum as the revenue of this country, amounting as it did to 48,000,000*l.* a year, he did not think that either a surplus of 300,000*l.* or 400,000*l.*, or a deficiency in the revenue of 300,000*l.* or 400,000*l.* was much a matter of triumph on the one hand, or should be a matter of such deep regret on the other, or that such consequences were likely to flow from either one circumstance or the other as some persons seemed to imagine. The amount of the revenue was too great—the sum was too large—the transactions of this country were too immense, and the influence was too extended, that a circumstance of this kind should make much impression, or that a cause so transitory should produce a permanent effect. They should recollect the state of the country—our extended manufactures—our vast commercial relations—its monetary system—the whole manner in which the trade of the country was conducted—the form of the trade and the extent to which it was carried, and the way in which it had gone on of late years, exposed to jerks on the one hand, and to changes on the other; prosperous at one time, and exposed to depression on the other, and repeatedly exposed to strong re-actions. Some persons imputed these changes and reactions to the conduct of those to whom the administration of affairs was entrusted for the time being, and asserted that such effects were the fault of the Government; but he thought that they were inherent to a great commercial community, and to the mighty and vastly extended state of society to which we belonged. He should be glad if they could render the state of their affairs in this country more equable, but he doubted whether it were possible to devise any system that would lead to such a result. He believed that the changes and alterations of what was called states of prosperity and adversity were inherent to the state of things, and to the state of society in which we were placed. To revert to the subject he was just alluding to—here we had an income unequal to the expenditure of the country, and it was impossible to contemplate the state of society in this country—to listen to the speeches made in both Houses of Parliament, and considering the disposition of Parliament and the country, to promote undertakings of all kinds, it was impossible to entertain any very sanguine hope that the expenditure of the country would be diminished; on the contrary, there was reason to believe that it would be increased. The Government also was constantly pressed to resort to measures and adopt proceedings which would necessarily be attended with a great increase of the expenditure. The noble Duke constantly pressed on the Government with arguments to which great weight undoubtedly ought to be attached, the present inadequacy of the establishments, both civil and military. The noble Lord opposite, also, had repeatedly pressed on their attention the state of affairs in Canada, and the operations which it would be necessary to undertake there. He confessed that it was not easy to refute the noble Lord when he pointed very significantly to the adoption of measures which were necessary for the pacification of the country, and which, if adopted, must call for a considerable outlay of the public money. Again, on referring to the proceedings of the other House, he found that the noble Lord the Member for Liverpool — not speaking merely from his own authority, which was not of small weight—not speaking merely as the representative in Parliament of the important town of Liverpool, but speaking for a large body of persons of great weight and influence in the country, had thought it to be his duty to give notice for the next Session that he should then propose that some public assistance should be given to the Church of England, and that further and full means of public worship and religious instruction should be provided, and that the establishment might be enabled to fulfil its high objects. Noble Lords connected with Scotland were again pressing for some assistance for extending the means of religious instruction; in connection with the Church of Scotland, he admitted that there was great force in the claim, and it was supported by no inconsiderable arguments. And in adverting to the sources of information which tell the public what passes in both the Houses of Parliament, he found that a right hon. Baronet, a person of the greatest weight and influence in the country, said a few days ago that he trusted the day was not distant when he should see in the centre of the metropolis a palace of the arts arise, that he should see in the most prominent spot a magnificent edifice erected, and a splendid establishment erected for the reception of works of art, and for the accommodation and delight of the people of this country, and for the encouragement of every species of art; thus securing for the amusement, the intellectual refinement, and the improvement of the taste of the country in the arts. There were, however, besides these, at least an hundred other schemes pressed on the Government, many of them very sound and reasonable, and all of them very plausible. Besides these, cases were continually being brought forward of captures and seizures, and acts of injustice committed during the war, or many years since, which the House of Commons listened to with great facility, and which they are ready to redress. This, then, was a state of things not favourable to public economy. With respect to what had been pressed on the Government by the noble Duke as regarded the increase of the military and naval establisments of the country, he would not deny the sound policy of considering the subject with the view of adopting proper measures. The first thing to consider, the first object that they should have in view, was the necessity of maintaining the integrity of the empire, without which they would be exposed to every peril and danger. With respect to the consideration of these questions, having connection with the religious instruction of the community, he admitted they were matters deserving the greatest possible attention; but at the same time it was necessary to consider whether they were practicable or not in the present state of public feeling, and whether, in endeavouring to do a great moral good, evils of greater extent and magnitude might not ensue. With regard to those matters having reference to taste, the arts, and all these objects, he could not help feeling that they should be very careful about these matters; and he should probably say, if he could address the other House, that he must beg them to look at the financial state of the country, and he would entreat each man, instead of looking only to his own peculiar project, to regard the state of the country. The arguments which had been used in support of these various plans and projects had been the cause of the ruin of many individuals. The argument was often used, was it not a shame that a great nation like this did not do this or that, but allowed itself to be surpassed, in certain respects, by states of much less power, or wealth, or influence? This was nothing but the argument that was used in the case of private individuals. A man was told by some of his relations or connections, "Oh! it belongs to the station of your family to maintain such an establishment—you must keep a pack of hounds because your father and grandfather did—you must have a herd of deer because your family have always had one—you must have such an equipage because your predecessors never before went to the races unless with such an equipage, and unless with so many followers." These were the arguments which had led to the ruin of many individuals; and he could not help feeling that the untimely attention to such observations had led more to the ruin of many states, both ancient and modern, than was generally supposed. He might be asked, then, in the present state of the revenue, with a tendency to the increase of the expenditure, how he could venture to tamper with so large a sum as that derivable from the Post-office revenue? He certainly felt the force of the objection; and his answer to this was that, in the first place—stating the case as plainly as possible—the very general feeling and general concurrence of all parties in favour of the plan, and there was such a general demand from all classes of the community for a measure of this nature, that it was a very difficult matter to withstand it. Again, it was generally admitted that it was an advantageous and beneficial measure; it was admitted that it was for a beneficial object and that a strong apprehension existed in favour of its utility. This was a matter of so much strength and force, that he believed himself justified in saying that it compelled those in another place, who acted with the noble Lord opposite, to do that which he believed they were most unwilling to do, namely, to make this an open question. He said this, as he knew that there were open questions on both sides. It was not usual to talk in Parliament of the opposition of the party. He believed that it was unconstitutional in Parliamentary language to suppose that any body of persons could be leagued together in Parliament in opposition to the Government of the country. This, then, was an open question with both parties; the parties, however, that did not support the Government, did not call it an open question; but they said it was no longer a party question, and Gentlemen, therefore, might vote and give their opinions in conformity with the wishes and feelings of their constituents. When, therefore, they found this measure to be a good measure, and was likely to be productive of great benefit to all classes—that it was demanded most extensively by petitioners—that persons of all parties and descriptions had loudly called for it, and that it was generally looked for with anxiety—and when they found that Parliament had pledged itself to make good the only evil that could arise from it, or could be felt from its adoption, namely, any deficiency in the revenue—he thought that it was safe to trust to this, to ask and take those powers to enable the Government to carry the measure into effect. These were the grounds upon which he proposed this bill, and he did so with much satisfaction, as he agreed in the opinions expressed by the noble Lord opposite, that it was a measure beneficial in itself, and that its ultimate effects would be greatly beneficial to the revenue. If a great increase in this part of the revenue should take place, they would not readily be able to trace it to this plan, as it might result from an increase in the general prosperity of the country. Even if they should be obliged to substitute some tax in lieu of this postage revenue, he thought that the change would be beneficial, as hardly any description of tax could press so heavily on the poorer classes as that on letters. If the plan did succeed, there would be the greatest possible benefit to the poorer classes, and any substitute that could be imposed would be less burdensome on the whole community. These were the grounds on which he proposed this bill, and he did so in the full reliance that the statement in the preamble of the bill would be fully redeemed, and that the country would not ask for a measure for which they were not prepared to pay the full price, or ask for a bill, and not be prepared to take the consequences of it. Under these circumstances, he begged to move the second reading of the Postage Duties Bill.

The Duke of *Wellington* wished that this bill had been such a measure as the noble Viscount seemed disposed to describe it. In point of fact, the Government was to have the whole subject and arrangement at its disposal, and to have the power of carrying the plan into execution in the way they thought best adapted for the purpose, without calling upon the House to come to any specific vote on the subject. Having given his full consideration to this subject, and to the arguments by which it had been supported by the noble Viscount, he felt bound to state that he had never addressed their Lordships with more anxiety and pain than he did on the present occasion; and he never felt more reluctance than he did now to give the vote which he should give on this question, and to advise the House as to the course which he thought they should follow. It was stated in the preamble of this bill, that it had for its object the establishment throughout the country of a uniform and low rate of postage. He admitted the force of the argument urged by the noble Viscount as to the expediency and, indeed, necessity of establishing an uniform and low rate of postage. The arguments in favour of it had been more than once stated in that House by his noble Friend near him, and by the noble Duke who had filled the office of Postmaster-general, and whom he did not see in his place. He admitted the great inconveniences that resulted from the present high duties of postage, tending, as they did to the contraband conveyance of letters, and to many inconveniences which must be obvious to all. The object, then, was to reduce the expense of postage, and to establish, in lieu of the present system, a low and uniform rate of postage. He imagined, that the power of the Government was sufficient to carry out such a system, although the powers had not been granted for such a purpose. But, with reference to the adoption of any particular plan, he was disposed to admit that that which was called Mr. Rowland Hill's plan was, if it was adopted exactly as was proposed, of all the plans, that which was most likely to be successful. He must say, that he was afraid, that the plan proposed would not be entirely successful in the first place, for he felt there was a great mistake in supposing that the reduced price of postage to one penny, to be paid on the delivery of the letter, would induce a great deal of literary correspondence. For some years he had had some knowledge of the advantages and operation of such a system in the army, and he could safely assure their Lordships that it was quite curious to observe the very small quantity of correspondence carried on by soldiers, notwithstanding that they had the utmost facilities afforded them for correspondence. In fact, they had only to pay one penny to the person who held the office of receiver of letters for the regiment, and the letter was, of course, despatched. The letters of soldiers, then, went almost free, and it was a remarkable instance or illustration of the present plan, and there was not so much correspondence carried on by the soldiers as might be anticipated; he, therefore, thought, that there would not be quite so much correspondence carried on with this penny postage as was anticipated. In one regiment, he recollected, and this was a Highland regiment of 1,000 men, the soldiers of which were generally supposed to be very strongly attached to their homes and families, he had positively ascertained, that in the course of six or seven months only sixty-three or sixty-four letters were written. This was a fact which showed that the people of this country would not be so ready to correspond if they had a cheap postage. In the application also of this plan to several country districts, where the post-office was was seven or eight miles, or even so much as ten or fifteen miles away from a man's house in the village in which he resided it would be almost half a day's work, or at least equivalent to half a day's work to a poor man, to take his letter to the post-office. A poor man, then, would not make a sacrifice of this kind, merely because the post-office only charged a penny for his letter. The plan would work very well in London, where there was a very large post-office establishment, where there was a constant delivery of letters in all parts of the town, at least twice or three times a day. But taking such a town as Manchester, or Leeds, or Liverpool, or towns containing a population of from 180,000 to 240,000 souls, all the persons must resort to the post-office, and this would lead to such confusion that it would be necessary to open other post-offices at different parts of these towns. The consequence would be a great increase of expense in this department of the post-office. These matters had not been taken into consideration in the documents on this subject which he had perused. He was, therefore, very much afraid that this scheme for a uniform and low rate of postage, and certainly that which was proposed by Mr. Hill, which in his opinion was the best scheme that had been devised, would be found to be attended with many heavier expences than had been supposed. With respect to the measure before the House, Mr. Hill's plan had been clearly indicated in the preamble of the bill, when it was stated that the postage on letters should be reduced to one uniform rate of a penny charged on every letter of a given weight. Whether, then, the plan of postage was to be by means of a stamp, or by the payment of the postage when the letter was sent or the letter received, nothing was said in the bill, and the principle that was laid down on the preamble seemed to be departed from in the details of it. He certainly felt it desirable, that there should be a low and uniform rate of postage, and was disposed to acquiesce in the bill conferring upon the Treasury the power of duly considering all the objections to this plan of Mr. Hill, to which he had already referred, and any other objections which might be urged against it, and in ultimately adopting such measures as they might think proper, with a view of insuring the people the best means of sending and receiving letters by the post. But when first this subject was mentioned in that House, the noble Viscount certainly stated, that the first object to be considered, was the security of the revenue. The same language had, he understood, been held in the other House. The noble Viscount, indeed, declared, that he would not adopt the plan at all, unless the security of the revenue were duly provided for. There was, however, now under the present measure, no security whatever for the revenue. So far from that being the case, the noble Viscount, with great candour, admitted, that he could not place any confidence whatever in the calculations that had been made with reference to the probable operation of the plan, either on the one side or the other. The truth was, that it was impossible for the noble Viscount to know anything about the matter; and, therefore, he satisfied himself with the guarantee contained in the preamble of this Act of Parliament. But, although the preamble stated, that it was expedient something should be done towards guaranteeing any deficiency in the revenue, the enacting part of the bill did not carry that statement into effect. There was in the preamble a guarantee, but nothing more—nothing to indicate what it was to be, or how long it was to last. Anything more obscure in legislation there could not possibly be. To a guarantee there ought to be two parties; but with this guarantee their Lordships' House had nothing to do, except to pass the bill; nor had the Sovereign, except to give the royal assent to it. To whom, then, was the guarantee given? Was it given to the public? Was it given to the stockholder? To whom was it given? Why, it was no guarantee at all; and more especially was it not so, when they considered the circumstances under which it had been given. It was reported that hon. Gentlemen—supporters of the noble Viscount's Government in the other House of Parliament—heads of parties, because at one time they gave notice, that they, with their friends, would attend and support the Government proposition, and at another time, that they would oppose some part of the plan—had disagreed among themselves on essential parts of the proposed measure; that very few of them had agreed as to this guarantee, or as to the course that should be taken, if the measure were adopted. What, then, was the meaning and effect of the introduction of that supposed guarantee in the preamble? Why, it really meant nothing at all—was of no more value than the paper on which it appeared. If noble Lords and hon. Gentlemen who had proposed this guarantee had come down to Parliament, and expressed a disposition to take into consideration the state of the finances of the country, and those various demands existing for different branches of the public service, which had been so ably detailed by the noble Viscount, if they had called the attention of Parliament to the state of the unfunded debt—to the state of the commerce of the country, and of the monetary system at present existing, and had admitted that the income of the country was not equal to its expenditure, that they had no means of going on, except by increasing the unfunded debt; and if they had announced their intention of proposing to take the usual course of proceeding, in order to apply a remedy to this state of things (a subject to which he would afterwards advert), then those noble Lords and hon. Gentlemen in another place would have acquired some little degree of confidence as regarded the future prospects of the finances of the country, and they might, notwithstanding, have called with the more reason for a guarantee against any deficiency of revenue that might result from this measure. In reference to the state of the revenue, he would beg, for a few moments, to draw their attention to a paper which he held in his hand, stating the estimated revenue and expenditure of the country for the year endiug April 1840. It appeared that the estimate of the revenue for that period was 48,128,900*l.*, while the estimate of expenditure was 47,988,554*l.* On the face of the paper it appeared that there was also 1,000,000*l.* to be added for expenditure in Canada; but when it appeared that 500,000*l.* of that had already been incurred, he confessed that he thought 1,000,000*l.* would be a very low estimate of the expenditure under that head. He could not help reflecting that we had had since November or December, 1837, nearer 40,000 than 30,000 men under arms in Canada. He knew what the cost of all this was, and he was afraid that 2,000,000*l.*, if carried to that account, would by no means pay the expense, even supposing the present state of things to close in the month of April 1840, which, he confessed, he for one did not think very probable. Adding, however, 1,000,000*l.* in the estimate to the existing deficiency, it must cause an increase to that amount in the unfunded debt. But it was reasonable to assume that the Post-office revenue had been included in this estimate of 48,128,900*l.* If that revenue (1,585,000*l.*) were deducted from the other amount, there would remain only 46,543,900*l.* The estimated expenditure of 1840 was, as he had said, 47,988,550*l.* So that, upon this estimate of the revenue, there would be in April, 1840, including the 1,000,000*l.* for Canada, a deficiency of 2,445,050*l.* Add to this amount 1,428,534*l.* for the deficiency of 1838, and 430,335*l.* for the deficiency of 1839, and the total deficiency up to April, 1840, would be 4,303,919*l.* There was at present a very large unfunded debt in circulation, one which was much larger than the market could bear, for the interest had fallen and was still falling. The amount of Exchequer Bills in circulation had already been found too large for the market. Their Lordships must be aware of the state of the commerce of the country, and the condition of the monetary system altogether; and it could not but be supposed that it would be a great convenience, not only to the Government, but to the public at large, if at this moment a large amount of these Exchequer Bills were taken out of the market by funding them, and thus a means provided of making up by the year 1840 for some part of that deficiency, which it was quite clear must exist at that time. But this was not the extent of the deficiency that would exist in 1840. An addition to the army had been proposed, the expense of which it was said would be 75,000*l.* It was possible, that up to the end of the financial year, the expense might be no more than that sum, but by the month of August 1840, it would be more than double the amount. There were other sources of prospective expense, arising out of the steps necessary to be taken at Birmingham; the constabulary force about to be formed in the country, of which the public were to pay part of the expense, besides other expenses; so that, on the whole, the Government and the country could not but look forward to a very large deficiency in the month of April 1840. Now, if the Government had thought proper to propose to the other House of Parliament according to the course adopted at different times by former Chancellors of the Exchequer, to fund Exchequer Bills to the amount of 5 or 6,000,000*l.* sterling, and had provided the means of paying the interest of the debt thus funded, it would have been said, that there certainly was no novelty in their mode of proceeding, but that they had at length taken the course that was necessary, in order to provide for the increase in the public expenditure, and that they had thereby relieved the public and themselves from great inconvenience. He could assure the noble Viscount, and his colleagues, that had they taken that course, they would have given every man who reflected at all on the situation of our affairs, much more satisfaction than could possibly be derived from the course they had taken in reference to the public burthens, in connection with the bill now on the table. But, my Lords, continued the noble Duke, notwithstanding I feel so little confidence in this measure, and notwithstanding that I must continue to lament that it should ever have been adopted, when all the circumstances are considered, I, nevertheless, earnestly recommend you to pass it. It is a measure which has been most anxiously looked for by the country; at the same time, that it is one on which there has been much doubt, and on which it must be confessed, there is increasing doubt; but your Lordships should bear in mind, that there is not one clause in this bill upon which you can make an amendment, or on which you can give a vote, except in the negative or the affirmative, without committing a breach of those conventional rules which have been established for the conduct of the business between you and the House of Commons. On the other hand, my Lords, suppose you were to reject this bill; the Government, supported by the House of Commons, would have the power to destroy the whole revenue of the Post-office; so that all the evil which this bill could do to the revenue, and which it is your object to save, might still be done; and as, at the same time, the reform of the Post-office administration, which it is the object of this bill to effect, and which is desired should be carried into execution, must altogether lie over, unless you agree to some such measure as this. I shall, although with great reluctance, vote for the bill, and I earnestly recommend you to do likewise.

The Earl of *Ripon* considered the bill objectionable in the highest degree; not only as regarded the mode in which it was proposed to carry out its object, but also on account of the circumstances of the time at which it was introduced. Nothing but the high respect which he entertained for his noble Friend who had just sat down, could induce him to vote fot the second reading. Under these circumr stances the House would, perhaps, excuse him if he stated to them the grounds on which he was prepared to call this experiment rash and heedless. The measure itself was a very clumsy contrivance; yet it was one involving most extensive consequences, and extremely doubtful as regarded particular results; and surely it was one that, if adopted by the legislature, should have been so adopted upon full consideration of a bill combining both principle and detail. But this bill, though it professed to announce a principle in the preamble, did not proceed to carry out that principle by enactments—it gave no explanation in detail why 1,600,000*l.* per annum was to be given up without any condition. Nor did the bill bind the Treasury at all. It was quite competent to the Treasury to reduce the postage to 2*d.* only, or to make any other arrangement they might think fit. Why were their Lordships thus called upon at this period of the Session to pass a bill, when no mortal being had at that moment the remotest conception of how it was to be carried into execution. Why, then, was the bill thus forced through Parliament? The real cause was that external pressure to which the noble Viscount had alluded, while his countenance showed that he shared those apprehensions which he so eloquently described. The real difficulty in connection with the measure was the state of the revenue at the moment when Parliament was called upon to sanction an experiment so dangerous. It might be very true, for aught he knew, that in process of time, the measure might produce a considerable part if not the whole of the present net revenue of the Post-office. But at the same time, it was impossible to read the papers on their Lordship's table on this subject without seeing, as the noble Viscount had, with great candour—a candour which he hoped his friends would appreciate—admitted, how very vague, although ingenious, the calculations were on which the supposed success of the measure was to rest. Those calculations amounted to this:—that unless five times the number of letters that now passed through the Post-office were hereafter received, the present revenue would not be kept up. If the country had a surplus on which they could rely, or if indeed there was not a deficiency such as at present unhappily existed, and from which there was no escape, he would raise no objection to running the risk of this loss. But what he feared was that the operation of the plan would lead to increase a danger to which we were now exposed, an habitual deficiency of revenue in time of peace. In proof of the danger he would refer to the amount of the revenue and expenditure for the years 1836, 1837, 1838, and 1839, and also to the estimates for 1840. The estimate of the revenue, taken by itself he considered by no means unfavourable. On the contrary, he reverted with pleasure to the fact that the revenue had not been in a decreasing condition, taking the whole five years into account. The revenue for 1836 was 45,893,369*l.* The actual receipt for 1839 was 48,128,000*l.* showing an increase of 1,748,000. Any slight defalcation or temporary variation in the revenue would, however, have given rise to no uneasiness in his mind; it was the expenditure that alarmed him. Since 1836 it had been going on increasing, and the circumstances of the country were such, that any man with two eyes in his head must see that any reduction whatever in the amount of expenditure was impossible, and that a progressive increase could not be avoided. The estimated expenditure for 1840 was 48,988,000*l.* The actual expenditure for 1836 was 45,030,000*l.* showing an increase (which had been gradually growing up) of 3,985,000*l.* The best evidence that the expenditure must increase was, that since the last estimate had been presented to Parliament, Government had come down and called for an additional sum of 75,000*l.* to defray the charges of more troops. This raised the increased expenditure to 4,060,000*l.* Now look at the charges for the funded debt. For 1836 the charge for the funded debt, including the temporary annuities, and the interest on exchequer bills, was 28,784,000*l.* The estimated charge for 1840 was 29,443,000*l.* This exhibited an increase of 659,000*l.*; and this was the result of what were called three years of profound peace, though he must say matters did not look much like peace at the present moment. He was by no means finding fault on account of this excess of charge. He was aware that it had arisen out of the grant of twenty millions for the emancipation of the slaves —a measure which he had supported as a wise application of the money of the country. The expenses so incurred must be paid, and if they were desirous of resorting to a cheese-paring, save-all economy, where could they economise? Was it likely that it could be done in the naval, military, or ordnance estimates? The noble Viscount himself had told them they were not in a condition to forego any part of that expenditure. What had been the increase during the last four years? There had been no less than 2,637,000*l.* additional charge for those great items of expenditure during those years. He did not see any prospect of getting rid of that expense, or of avoiding an increased expense. What was their situation both at home and abroad? The proposition of the noble Lord the secretary for the Home Department, for raising an additional military force, and the necessity which he described as existing at home for that addition, was not of such a nature that they could flatter themselves that by the mere raising of 5,000 more troops, all the causes of that demand for more military force would pass away. Abroad they were engaged in one of the most gigantic operations that had ever been undertaken in India. They were carrying on a war for an object of doubtful policy, hundreds of miles from their frontier, without any basis for their operations, except the river Indus, behind which were two countries, the one governed by a man of great talent, but in a very feeble state of health, and not deriving his authority in regular hereditary succession; the other governed by a man bound to grant military right of traversing his territory, but who could shut them out to-morrow, and if the necessity of the case arose, would not scruple to do so, for those Indian potentates were not greatly troubled with scruples. Below them were the natives of Scinde, who were notoriously hostile to us, and who had not permitted us to traverse their territory to make an attack upon Affghanistan. It was very likely we might succeed in establishing Shah Soojah upon the throne, and drive Dost Mahommed to seek a precarious subsistence in another country, but the difficulties would only begin when that success was complete. It did not appear to him that they could economise by reducing the amount of their naval and military forces. But was this the only source of uneasiness? What was the state of Persia? Were they not, in effect, at war with that country? They were told in the beginning of the Session, that a state of things had arisen there which it was hoped would pass away, and that amicable relations would be re-established. But what was the fact? The Persian ambassador had been dismissed, and the two countries were at war, and he had no difficulty in saying that, in his humble judgment, there had been a great degree of negligence on the part of the Government, and a series of consecutive blunders on the part of Sir John M'Neil, who placed himself in such a position with regard to Persia, that he destroyed the original basis of fidelity and amity, and good understanding that prevailed, and threw Persia into the arms of Russia. Could they, looking at these circumstances, say that it was proper to reduce their naval or military establishments? They were also engaged in increasing their distant possessions, in establishing new colonies in New Zealand, and in New South Wales. They had taken upon themselves, also, to become the possessors of a fortress on the Red Sea, in an extraordinary manner, which he would not describe, but which was described in the papers that had been laid before the House. And again, how did they stand with regard to Canada? The noble Viscount had himself admitted, and he was the best judge, that there was no reason to expect a decrease of expense in this quarter. There was also the north-eastern boundary question, which might come before them at any moment, and which was a most complicated question. He mentioned these facts, to show that there was no reason to suppose that the state of the expenditure would admit of any material diminution. But since the last estimates were made, another circumstance had come to their knowledge, which was intimately connected with this subject. Information had reached this country of the fact of the Chinese government having stopped the trade in tea. That may to some appear a matter which, except in a commercial point of view, is of no immediate interest, but, in his opinion, it was a very serious question indeed. If our resident there had engaged to pay 2,000,000*l.*, he did not think the nation ought to pay it, but still they might be pressed, and by that external pressure they might be pushed very far. At all events, if the Chinese government took effectual steps to prevent our supplying the people of China with opium, the only possible way in which we could pay for the immense quantity of tea that we required, would be by silver money. The amount of bullion in this country, and the state of the money market, ought to make every one pause a little in the conclusion they would come to upon this subject. It would be difficult, if not impossible, to find silver money, annually for this purpose, so that this must lead to a deficiency in the importation of tea, and instead of having 40,000,000 of pounds brought in, and paying duty, the amount would fall off to a great extent, and there was danger of a future diminution of revenue. This was a matter of very serious consideration. He felt so strongly the consequences that were likely to arise on this subject, that he hardly knew by what process he could justify himself if he did not oppose this bill. He thought that the time was most ill-suited for such an experiment. If it were postponed till next year, Government might have an opportunity of carefully considering every part of the proposition, of examining all its details, and of being prepared to state how the expected deficiency, to supply which they were called upon to pledge themselves, was to be made up. He must say, that he thought the pledge required was a perfect absurdity. Had the Government themselves any notion as to how they proposed to make up the deficiency that was expected to occur? Any man who looked at the state of taxation, would find it absolutely impossible to put his finger on a single item in the list of taxed articles on which he could venture to propose to Parliament with the slightest chance of success, an additional duty. As to the customs, they had been engaged in reducing duties, in order that the manufacturer might purchase the raw material at the cheapest rate. If they imposed a new tax upon articles of luxury, they would be acting contrary to the principle they had lately been acting upon, of reducing duties, in order to extend consumption. If they imposed a tax upon the produce of the manufacturers of other countries, they would be violating the principle they had strained every nerve to establish for the last few years, namely, that with respect to foreign articles of manufacture, there should be nothing like a prohibitory duty. They could not have recourse to an increase of the assessed taxes; they could not call upon Parliament to renew the house-tax, or to add fifty per cent. to the window-tax; they could not reimpose upon the poor cottager the very taxes which they took off ten or twelve years ago upon the ground of their hardship. The only mode of supplying the deficiency they could come to, must be a property tax, and, recollecting all that had passed on this subject, he was not disposed, for the sake of this experiment, to again have recourse to it. On what article, then, was it possible to impose a tax of 1,500,000*l.*? He believed it absolutely impossible, and therefore he should be very glad if the question were not pressed at present. He concurred in thinking that the reduction would be a good measure in itself, he quite concurred in thinking that the Post-office revenue ought not to be raised with a mere view to revenue, but they had got involved in a different policy, and he thought that by trying to get out of it in too hasty a manner, they might endanger the revenue of the country.

Lord *Brougham* said, that if any one had come into the House when his noble Friend (the Earl of Ripon) was speaking, he would have supposed that the last thing under discussion was the particular question before the House. His noble Friend had undoubtedly made a most excellent speech: he had shown a perfect knowledge of the state of the war in India, of the character of Runjeet Singh, and Dost Mahommed, and Shah Soojah; he had, in fact, made a military speech, and in the conclusions he had drawn, he (Lord Brougham) was very much disposed to agree with him: but his noble Friend must forgive him for saying that if there was any one subject left untouched by him it was the Post-office question—except, indeed, the Egyptian question. [The Earl of *Ripon* said, he forgot that.] He thought his noble Friend had forgotten it, for while his noble Friend was speaking, he had said to a noble Friend near him, that his noble Friend should not omit the Egyptian and the Poor-law questions. He would not, however, deny their connection with a general view of finance, as every question which his noble Friend brought forward, necessarily entailed a loss of revenue, and no doubt it was with that view they were brought forward. He could not at all agree with his noble Friend in thinking that the noble Viscount had been too candid, or that he took a desponding view in the statements he had made. He thought the noble Viscount had done his duty by the office which he held, by their Lordships, and by this measure, in making the statement he had made; for, while he gave powerfully and distinctly the reasons which recommended this measure to his patronage and support, he also stated, as was his bounded duty—standing in the situation he held as head of the finance of this country—to their Lordships and the country what he expected to be the consequences of this measure. It would have been most improper, most imprudent, and most unjustifiable in the noble Viscount if he had concealed those facts of the case, because, for aught he knew, he might be obliged another Session to come to that House and call upon them to make up the deficiency which he now contemplated. But if, instead of contemplating and prophecying that deficiency, the noble Viscount were only to take the fair side of the question—only to show them one side of the picture, when the noble Viscount came before them next year, the public would say the measure had been a complete failure, instead of a benefit, and had also injured the revenue. The noble Viscount was compelled to give both sides of the account, and he thought the noble Viscount had fairly, and only fairly, stated that upon the balance of the two sides he was induced to give this bill his support. He had more confidence in the noble Viscount when he saw him take that calm, rational, deliberate view of the question; it had given him more confidence, and it would give the country more confidence. He for one thought that the arguments preponderated quite as much in favour of this measure as did the noble Viscount. He had presented numberless petitions from various parts of the country, from public bodies, corporations, magistrates, guardians of the poor, from persons in all stations, in favour of this measure, but especially from the mercantile interest, and from another class of persons of whom he was himself an humble member and coadjutor, namely, those who regarded as a paramount object the education and the moral advancement of the people. From these petitions, coming from persons who had fully investigated the subject, he thought he was justified in giving his sanction to the bringing in of this great and useful measure. He must, however, deny some of the statements that had been made. The noble Earl who had just sat down had calculated the total loss to the revenue at 1,500,000*l.* His noble Friend had argued that they were putting in jeopardy this large amount of revenue; but the probable loss upon this 1,500,000*l.* would be 200,000*l.*, or about one-seventh part of what he stated to be put in jeopardy. Why, the noble Earl might as well say that they were putting in jeopardy 48,000,000*l.*, or the total revenue of the country, because one portion of it, 200,000*l.* was likely to be lost; and it would sound much better to say that they were putting the whole revenue of the country in jeopardy. The noble Duke said, that extravagant calculations had been made of the increase in the number of letters to be sent by post, and he gave a remarkable instance, which was, of course, quite certain, that a regiment of 1,000 men, in six months only sent sixty-five letters by post. He had heard of similar facts; but he had two answers to this point. In the first place, soldiers, if the might use the expression with all possible respect for the military character, were not letter-writing animals. They were not naturally writers of letters. They fought, paraded, and obeyed orders very naturally, habit made it a second nature; but they were not in the constant habit of taking up a pen and getting a sheet of paper and writing a letter. They did not correspond upon military subjects; it might not always be permitted, and indeed, they did not hold much correspondence upon any subjects, except indeed upon amatory subjects, and then not so much with persons at a distance as by word of mouth. But this argument proved too much, it proved that this regiment wrote no letters at all. Only one man in twenty-five ever wrote, and those who wrote at all, would, in all probability, write two or three letters; and as only sixty out of 1,000 wrote letters, it followed that about twenty-four out of twenty-five did not write at all. It proved no more than that the men could not write at all, as if they were horses or other animals. This, however, was not the case with the army generally, for he had a document in his hand which proved how much a penny postage tended to make people write who naturally did not write. It was a singular fact that in February, 1838, the number of military letters that went through the General Post-office in London was 2,410, whilst the total number of letters was 188,000, so that one eightieth part of the whole number of letters were written by soldiers, who naturally were not letter-writers, but who were tempted to correspond by the extremely low rate of postage. There were other facts of the same sort, and he would adduce the case of the Post-office revenue of France in support of a cheap postage. Whilst the carriage of our letters cost one-thousandth part of the sum charged, those of France cost one five-hundredth. The average charge for letters in France was four, and in this country it was eight. In France the net Post-office revenue was 35½ millions of francs, or rather more than 1¼ million sterling. This was a very large Post-office revenue, considering how much less of a mercantile community they were. But there was another circumstance very remarkable. While our Post-office during twenty years had been stationary, the revenue of the French Post-office had increased not less than eighty per cent. It could not be said that there were any circumstances connected with France to make their correspondence extend so rapidly. Had they not improved in this country in every respect? Had not education so increased, that the number of schools had been considerably more than doubled? Had not wealth, business, population increased. The population here had increased at the rate of one and a half per cent. per annum, or thirty per cent. in twenty years: whilst the number of letters sent by the Post-office had not increased one fraction. But besides the evident advantages of a reduced rate of postage, their Lordships should consider that the effect of a high rate of postage was to increase the contraband trade in letters. The consumer (as he might call the correspondent) either gives over the consumption which is not wanted, or he consumes without payment, which was as little to be desired. On these grounds, the reduction of the rate of postage was desirable. He could cite many instances of actual experiments, in which the reduction of the rate of postage had been not only not productive of loss, but had actually caused considerable gain to the revenue. In Dublin a reduction made in the postage from twopence to a penny was calculated to create a loss of 20,000*l.* in 100,000*l.*; but so far from that, it had produced a gain of 10,000*l.* in the 100,000*l.* A similar reduction in Edinburgh to a penny rate, had caused no less, and was at present beginning to produce an increase. In fact people did not care about a penny rate. The *Penny Magazine*, with which he in common with many of their Lordships was connected, sold in one week 220,000, but he had no doubt that if raised one halfpenny in price, the sale would fall off one half. An instance of this kind took place in the sale of the *Spectator*, (Addison's paper,) to which the addition of a halfpenny in price caused an immense fall in the circulation. He had no doubt that the same rule would apply to the reduction proposed in the bill before their Lordships, and that here as in most cases relating to revenue, the lowering of the tax would increase the income. When he considered the increased population, the increased wealth, and increased intelligence of the country, any fears which he might have entertained of any diminution of the revenue by the proposed reduction were brought into a very narrow compass. As to the present state of our finances, he could not join in the view taken by the noble Duke or the noble Earl. The noble Duke objected that the Canadas cost us 500,000*l.* one year, and that next they might cost us a million or two millions. He should consider them dear at the price, and if they should continue to advance in cost to us in this way, he thought the most stubborn believer in their value would soon be convinced of the folly of keeping up such distant colonies, and at such a cost. He could not concur in the objection of the noble Earl (of Ripon) that this measure should be delayed to next year. To whatever year it was postponed, it could not be brought on without the exercise of great discretion. There would be difficulties attending the matter at all times, and he could not but congratulate the noble Viscount (Melbourne) on the candid and manly manner in which he had looked those difficulties in the face.

Lord *Ashburton* felt it to be his duty to offer a few observations to their Lordships on this important subject. The discussion of that evening had naturally divided itself into two heads. The first was with respect to the legal question as to making this great reduction in postage; and the next was as to the general state of the finances of the country, where so large a sum was at stake. He wished that he could persuade himself that there was as little risk involved in this question as had been intimated by his noble and learned Friend who had just sat down. The cases which his noble Friend had cited of reduction in the revenue did not appear to him (Lord Ashburton) to be analogous; the reduction in the present case being of an extraordinary nature, as it was proposed to sink from an average of 6*d.* to an uniform rate of 1*d.* per letter. Their Lordships would bear in mind that this was not to be considered merely as a reduction of duty, but that here was a department costing a large sum for the necessary discharge of its functions. His noble and learned Friend was a little mistaken as to the proportion between the income derived from this establishment and the cost of conveying the letters. The cost of conveyance was 700,000*l.* The gross income was 2,300,000*l.* The net income was therefore 1,600,000*l.* Mr. Hill admitted that the additional expense to be incurred by the adoption of his system would be from 200,000*l.* to 300,000*l.* Adding this to 700,000*l.*, the cost of conveyance under the new system would amount to a million of money. This amount must be made up out of several pence before they could touch one farthing of the present income of 1,600,000*l.* He could not help thinking it altogether a matter of much uncertainty. There could be no doubt that the country at large would immediately derive a great benefit; the consumption of paper would be increased very considerably. It appeared by all the evidence, most probable that the number of letters written would be at least doubled. Of the great benefits which would arise from similar change in their Post-office system he had always been convinced. From the first time when a petition relating to this subject had been laid on their Lordships' table, it had been his decisive opinion, that to reduce the taxes upon the conveyance of letters would be in every respect important, qualifying the people to act their part in the reconstruction of their institutions, and enabling them to partake of the rational enjoyments of civilization, It appeared to him that a tax upon communication between distant parties was of all taxes the most objectionable. The position in life of Members of Parliament rendered them, perhaps, more indifferent as to any change of the proposed nature, than most other men would be; and their privilege of sending and receiving letters free of charge made them perhaps a little less sensitive than they might otherwise be to the wants and feelings of that class which was just removed from poverty. He had latterly read in the book of a traveller in Canada a description of an interesting scene. The writer had seen emigrants going to the Post-office, and finding letters posted in the windows from their relatives at home, at which they gazed with longing eyes, not having the means to release them. These were our own people. The question whether a man could afford to write or receive a letter interfered more generally than might be suspected with the best social affections. It manifestly interfered to a very large extent with the communications of the literary and scientific class, a class not usually overburdened with prosperity. No one could dispute the advantages which must attend the communication of thought from man to man. If they looked again to the more substantial interests of the community, it would not be doubted that in all the different projects of commerce arising from variety of communication, men must want both to transmit and to receive a variety of letters. A number of letters might be written from which nothing would flow; but one at last was written, and followed by a business transaction of the utmost importance. Now, if they made that communication so dear that it could not conveniently take place, and if men engaged in business were precluded from that free discussion which was necessary to the successful transaction of their affairs, business must necessarily become crippled and contracted and many excellent speculations must remain dormant, in consequence of deficient information. In all respects he held it to be the most injudicious thing to be devised in any country to establish high rates of postage. It was well known that in this metropolis every thing was now to be seen for a shilling. Add an extra sixpence, and the people would not go. They could not say how this notion fixed itself in men's minds; but so it was. And although at one time he was of opinion that the uniform charge of postage should be 2*d.*, yet he found the mass of evidence so strongly in favour of 1*d.*, that he concluded her Majesty's Ministers to be quite right in coming down to the uniform rate of 1*d.* He thought, however, that this subject had been quite long enough before Parliament to have had a trial of it six months ago. It was no new matter; petitions had been pouring in for a very considerable period. He readily admitted that it could only be carried into execution by giving large discretionary powers to the Government; and such, in fact, was the whole amount of the bill. A very important subject had been introduced incidentally into this discussion. Although they left to the other House the power of originating money-bills and of voting the supplies, it was undoubtedly not only the privilege, but the duty, of their Lordships' House to watch over the state of the finances, and more particularly over the maintainance of the public faith and credit of the country. The great difficulty of the present measure was, that at best it was a doubtful experiment. For his part, he should be agreeably disappointed if, out of the 1,600,000*l.* of revenue derived from this source at present, there remained after the change 500,000*l.* And here he must state his conviction, that Parliament had greatly neglected its duties to the country in allowing the finances to get into their present state. Assuredly, they should at least put their House in order before they began to make their new experiment, and be quite sure that their income would equal their expenditure, setting aside any loss that might arise from the adoption of this scheme. The sacrifice of an income of 1,600,000*l.* with an admitted clear deficiency of one full million, did seem to be a recklessness of duty on the part of Parliament, which must very much shock the feelings of the sober and sensible portion of the community. He could not help thinking, that there were some very fallacious views put forth in the estimates for the present year. He thought that the admitted 1,000,000*l.* of deficient revenue was understated. The expenditure of the army in 1838 was 6,500,000*l.*, in 1839 it was 7,200,000*l.* Notwithstanding this advance, the estimate of the army expenditure for the current year was put back to the former sum of 6,500,000*l.* The answer would be, that a great portion of the army expenditure of last year was incurred for Canada. Now, in the ordnance estimates there appeared an increase from 1,380,000*l.* to 1,730,000*l.*, and in the navy from 4,600,000*l.* to 5,200,000*l.* It was natural to infer, that the increase in the army estimates should be at least as great as in either of those two other departments, and that it should particularly correspond with the ordnance. When this estimate was given to them to ground their judgments upon it as to the expenditure of the current year, it appeared to him to be unfairly put for the purpose of masking the great deficiency in the year's revenue. The result of the estimates was stated to be a surplus of 139,000*l.*, and a note was appended; "probably a million for Canada." The surplus of 139,000*l.* completely disappeared since the additional 5,000 troops had been asked for. The noble and learned Lord was, he feared, quite right in saying that Canada would still continue to involve this country in a heavy expense. As long as they held Canada they would have abundance of sympathisers. It was quite clear that nothing but a large force and heavy expenditure could maintain those colonies. It was not during the present year alone that the financial state of this country was pregnant with alarm. Last year there was a deficiency of 400,000*l.*; the year before of 1,400,000*l.* It became a Government, as fair dealers, and as the guardians of the interests of the country, to state a decided deficiency in the revenue whenever it arose. During the period of his sitting in the other House of Parliament he had constantly protested against their financial system. Instead of establishing a sinking fund, they had pursued the system of borrowing with one hand and paying with the other—a system which amounted to utter delusion. They had now had a quarter of a century of peace—and and no progress whatever had been made towards discharging the debt. How different had it been both in France and America. The Republicans of North America possessed much acuteness in matters of this description. By means of a sinking fund they had paid off every farthing of their debt. The French maintained a very considerable sinking fund, and their debt was every year becoming reduced in amount. This country alone retained what he must term a profligate system of financial administration. An utter want of resolution had been exhibited on the part of the Government, in which the people of this country would not have concurred, had the question been fairly put to them. No portion whatever of the principal due had been liquidated. They had paid off only a portion of the interest. After twenty-five years of peace, they remained in such a state that they might well be accused of want of principle, having done nothing either during peace or war towards the paying off this enormous debt. The only honest course of procedure was an alteration during peace and war—equalizing the expenses over the whole time of the war, and establishing a sinking fund, in time of peace, to pay off the expenses of the war. The noble Earl opposite, who had served her Majesty in a diplomatic character with so much distinction to himself in Spain, had expressed his regret that this country did not attend sufficiently to foreign affairs. That might be the case in the present day, but certainly in other times this nation had attended a little too much to them; at all events, he was sure that the best mode of attending to them was to put the finances of the country in such a situation as would give it real and substantial power abroad, for all the army and all the ships which lay in ordinary at Portsmouth or Plymouth were worth but little if the Bank was in confusion, and the finances of the country were embarrassed. He trusted that in a question like that now before the House, he should not be considered as having improperly introduced these matters of finance. On the immediate subject before the House he had but little further to say. Something had fallen from the noble Viscount opposite, which had led him to suppose that he was adverse to a system of prepayment. Now, it had always struck him that the system of prepayment formed the most essential part of the plan; he did not see how the scheme could be executed with effect and economy without it. There had been presented to this and the other House of Parliament petitions from stationers and paper-makers in the country, showing that they laboured under an apprehension that the plan would give a monopoly of paper-making to the extent of the covers that would be required; he, however apprehended that in those fears they were much mistaken, but it occurred to him that by a stamp to be affixed or stuck upon the letter would answer every purpose, and remove the objections of those parties to the measure. As to the plan generally, he should certainly watch its execution with great anxiety, and with a thorough conviction that by this measure the Legislature was conferring on the country, a very essential benefit. He must say that the only drawback upon it was that formidable piece of mischief, its operation on the revenue; but he trusted if that proved the case, when the time came, the other House of Parliament would be ready, not to invent excuses, such as saying, " Let us wait another year—the experiment has not yet been fairly tried," and using all that description of vague argument, but would be ready to consider that its honour was pledged at once to make up the deficiency, and that the people, when a new tax was put on them, would remember that they had derived the benefits and advantages of this measure.

Earl *Manvers* objected conscientiously to the measure now before the House. In the present state of the finances it was a most dangerous experiment.

The Earl of *Lichfield* was anxious to say a few words on this subject, because it had gone forth to the public, and been much commented upon, that he was opposed to the present proposition; it was, therefore, proper that he should endeavour to remove that impression, and to show that, with perfect consistency with all that he had said or done, he could give a vote for the proposal of his noble Friend at the head of the Government. When Mr. Hill first propounded his plan, and published it in a pamplet, it excited great attention in the country in general, and it was but natural that he should have been one of the first persons applied to, in order to give an opinion as to whether the plan would be likely to answer on the principle laid down by Mr. Hill—a principle totally different from the grounds which had been laid by his noble Friend. To show the principle propounded by Mr. Hill, he (the Earl of Lichfield) would refer to that part of his pamphlet in which he stated " that the demand for the conveyance of letters had increased in the same ratio as the demand for the conveyance of persons and parcels, and that yet there was a loss in the Post-office revenue of 2,000,000*l.* per annum," and he seemed to fancy he had hit on a scheme for recovering that 2,000,000*l.* Throughout the whole of his pamphlet this one principle prevailed—namely, that the high rates of postage were highly injurious to the revenue, and that, consequently, by a considerable reduction of them, the loss and injury to the revenue would be remedied. Of course, he had turned his attention to all Mr. Hill's calculations and opinions, and had then come to the opinion he had expressed already in that House, and to which he still adhered; and that opinion was, that it was totally impossible, but that by the proposed reduction, a considerable loss to the revenue must accrue. He, therefore, supported the present measure on entirely different grounds from those on which Mr. Hill proposed it. He assented to this bill on the grounds on which it had been proposed by his noble Friend—on the grounds on which it had been propounded in the House of Commons. In neither House had it been brought forward on the ground, that by the measure, either the revenue would be a gainer, or that, under it, the revenue would be equal to that now derived from the Post-office department. He assented to it on the simple ground, that the demand for the measure was universal, after three years' consideration—after public meetings, at which the matter had been fully discussed, and the voluminous evidence which showed a material loss to the revenue from the change had been published petitions from all parts of the country, crowded the tablesof both Houses of Parliament, and the people, through their representatives, were strong in their expressions in its favour; and, therefore, he was entitled to come, with his noble Friend, to the conclusion that it was highly expedient that this measure should pass into a law. So obnoxious was the tax on letters, that the people had declared their readiness to submit to any impost that might be substituted in its stead, and on these principles he agreed to the plan, assuring the House he would use his best exertions effectually to carry it out.

Viscount *Duncannon* was so anxious that the measure on Mr. Hill's plan should succeed, that he was desirous there should be no misunderstanding as to what had fallen from his noble Friend. It seemed to be supposed that his noble

Friend was prepossessed in favour of payment on receipts, and against prepayment. Such was not the case. What his noble Friend had said, was that, in the first instance, it might be necessary to have payment both before and after transmission, and, therefore, it was necessary, with a view fully to try all the essential experiments, that the Treasury should have the full and extensive powers sought to be conferred by this bill, in order to accomplish that which would be most conducive to the public interest.

Bill read a second time.

HOUSE OF COMMONS,

Monday, August 5, 1839.

MINUTES.] Bills. Read a second time:—Rogue Money (Scotland).—Read a third time:—Constabulary Force (Ireland).

Petitions presented. By Mr. Grimsditch, from Stoke, Staffordshire, for the better Observance of the Sabbath.—By Sir Eardley Wilmot, from Nun Eaton, for Amendment in the Poor-Laws.

NEW SOUTH WALES.] Mr. *Labouchere* moved the third reading of the New South Wales Bill.

Mr. *C. Buller* concurred with the Government in thinking that it was expedient and prudent to renew this bill from year to year, but he thought it would be still wiser and much more expedient to give the people some chance, at no very distant period, of exercising that self-control in the affairs of the Government without which civilization could never be efficiently advanced, nor any thing like rational freedom established. He felt assured, that the least prospect of this control could not fail to occasion the greatest satisfaction among all classes of the colonists. The Act now proposed to be renewed, was a measure which originally had been introduced in 1827. It was no matter of surprise that the circumstance of the Executive Council not being of popular choice should occasion loud and angry complaints, and should give rise to feelings of more bitterness in the Australian colonies than were to be found in any other possessions of the British Crown. The revenue of these colonies was produced from the largest amount of direct taxation with which any country on the face of the earth had ever been burthened. It was thought that the English people enjoyed exclusively the privilege of being the heaviest-taxed people who had ever possessed an independent and regular Government. The population of New South Wales was about 100,000 souls—that of Van Dieman's Land about 50,000. Concerning the revenue derived from the sale of land, it would not be correct for him to introduce that species of property into the calculation which he purposed submitting to the House; for it was a species of fixed and permanent property that ought to be applied to objects of a permanent nature, such as the formation of roads or other works of that description, as well as for the encouragement of immigration; but that with which he now proposed to deal more particularly was the ordinary revenue and the ordinary expenditure of the colony. In the year 1837 the ordinary revenue, strictly exclusive of the sale of land, amounted in New South Wales to 226,900*l.*, and in Van Dieman's Land to 127,666*l.* The total revenue disbursed by the Government of New South Wales was little less than half a million of money, while the population of our Australian colonies was something between 150,000 and 200,000. Now, in this application of their own ordinary revenue the people had no voice whatever. There was usually an expenditure of 326,000*l.* for the use of a population, of whom only 45,000 were not convicts. Thus, their expenditure was 2*l.* 3*s.* a-head, while the expenditure in England only amounted to 2*l.* a-head; yet the Australian colonists had not the interest of any debt to discharge, whereas half the expenditure of the mother country went not for the maintenance of any efficient force, but for paying the interest of a debt incurred long since. He knew he might be told that the Government of a colony frequently found itself under the necessity of disbursing a much larger amount of revenue in public works than was at all necessary in an old civilized country. Looking at the expenditure of New South Wales, he ventured to say, that it was the largest and most lavish expenditure in the known world. In the year 1839, the ordinary revenue of New South Wales was 226,000*l.*; and this for a population of 100,000, while the actual expenditure was 346,000, the difference being made up from that which ought never to enter into ordinary expenditure—namely, the funds derived from the sale of lands. Thus the expenses of New South Wales imposed an average payment of 3*l.* 10*s.*

per head. Now, if the interest of the national debt were not taken into consideration, it would be found that the actual expense of this country did not exceed one-third for each individual of that expended in New South Wales. He certainly did not lose sight of the great expenditure necessary in that colony for a church establishment and the formation of roads, bridges, streets, &c. Deducting 70,000*l.* expended on objects not required in England, it left a balance of 276,000*l.*, the whole expenditure being 346,000*l.* Now, in comparing the expenditure of the colony with that of the mother country, hon. Members should recollect that the Australians had nothing analogous to our establishments of the army, navy, and ordnance, and yet these three sources of expense swallowed up 11,000,000*l.* annually of our ordinary revenue. The inference from all these statements was, that however great the extravagance of our Government might be in England, it was three times as great in Australia. It was curious to observe with what cool indifference any addition was made to the expenditure of such a colony. Here, if there were a proposition for adding 5,000 men to the army, it became a matter of very grave and patient investigation; but 80,000*l.* additional were laid upon the Australians with as little ceremony as if money were not an object of difficult and rare acquisition. Neither was there the least scrupulousness practised in reference to the source whence the means of this additional expenditure was to be obtained. The Government, unhesitatingly, broke its pledge on the subject of immigration. Let the House only look at the difference between our Australian and our North American colonies. In the latter, the population was ten times as great as in Australia, and yet their direct taxation did not exceed the direct taxation of New South Wales. There existed in Australia a certain kind of slavery, but it was the richest slave colony under the British Crown, not even excepting Jamaica. The population of Jamaica was 500,000, while the expenditure was only 300,000*l.*, being one-third part of the expenditure of New South Wales; yet there existed no sort of popular control in the latter colony. The conclusion to which he wished to lead the House was, that the people of Australia ought to have some control over the administration of their own government. If they were not indulged to this extent at least, it would be quite unreasonable to suppose that any people would endure such treatment patiently. He had not forgotten that many people were of opinion that the Australians were wholly unfit for self-government. That was certainly not the opinion of persons best acquainted with their habits and circumstances. They were faulty in many respects, but one obvious mode of improving them would be to grant them some small control in the management of their own affairs. He was not singular in holding this opinion, nay, he was supported by the judgment of the highest authorities, not only in the colony, but in Europe. The hon. Member referred to the testimony of Mr. M'Arthur, a gentleman of the largest landed property in the colony, Sir Edward Parry, Sir Robert Mitchell, and Sir Richard Bourke. He had himself presented a petition last year signed by 9,000 persons, including all the magistrates. Mr. Henry Bulwer, when he had a seat in that House, presented a similar petition, praying for popular control over the Government, and being very numerously and respectably signed. At present there was a similar petition coming from Van Dieman's Land, signed by 1,942 persons, amongst whom were 125 magistrates out of 198. He felt, then, that the House would abandon its duty if it delayed much longer to do that which all parties earnestly demanded. He did not doubt the wish to grant the inhabitants of New South Wales free institutions, but it was the duty of the Imperial Government to take measures for fitting them to receive the advantages of being represented. Moreover, it was the duty of Parliament not to legislate without reference to the feelings of the people. He should not then enter into the general question of the wisdom or expediency of possessing penal colonies, but of this he entertained no doubt, that the practice of transporting the refuse of our population to New South Wales ought long since to have been discontinued. In a colony yielding so much valuable produce for export—looking at the immense tracts of fine land which it contained—he had no hesitation in saying that a wise Government would never have converted that into an abode for criminals which nature had so admirably adapted for the residence of industrious and civilized men. He would impress upon the

Government the necessity of encouraging the free emigration to our Australian colonies of persons willing to leave this country. Five years of well-conducted emigration would place these colonies in the condition of being fully capable of taking care of themselves, and of enjoying those free institutions without which Englishmen, no matter in what part of the globe, or under what circumstances, would never be content.

Mr. *Labouchere* conceived that no practical result could follow from the discussion in which his hon. Friend had embarked, even if the House were to come to an opinion upon the several topics it involved. Although there was little of inaccuracy in the statements which his hon. Friend had made, yet they presented so fallacious a picture to the House from the circumstance of his having omitted to advert to other matters intimately connected with the subject, that he (Mr. Labouchere) felt it necessary in some degree to supply the deficiency. His hon. Friend had begun by stating, that he hoped the day was not very distant when he should see institutions of a liberal character, and more consonant to the feelings of Englishmen, substituted for the present system of government in New South Wales. He could assure his hon. Friend, that he was far from differing from the general principles he had expressed upon that subject. He agreed with him, that whatever might be the difficulty of introducing free institutions into a colony, there was much disadvantage in requiring Englishmen to live under a government in the conduct and control of which they had no share. He had always entertained the greatest doubt upon the propriety of making those colonies convict colonies—of spreading a seed so bad upon a soil where the produce was sure to be so great. He had always regarded that policy as open to the greatest objection, and he was glad to be able to state, that the Government had taken decided steps to put a stop to the system. His noble Friend, the Secretary of State for the Home Department, who, he regretted to say, was unable to attend the House that day, had, in conjunction with the Colonial-office, taken steps to put a stop to the exportation of convicts to New South Wales. This year only 2,000, being but half the usual number, would be sent to that colony, the greater portion of whom would not be long allowed to remain there, but be taken to Norfolk Island, and placed under control a recommended by the committee to which his hon. Friend had referred. His hon. Friend would see, therefore, that the Government were not open to the charge of neglect upon that part of the subject. Directions had also been sent out to New South Wales at once to put an end to the assignment of convicts for domestic service, and in as short a time as possible to discontinue the assignment of labourers, without bringing immediate ruin or injury upon those accustomed to that supply. Such being the case with respect to the exportation of convicts, it was the more incumbent on the Government, by every practical means, to encourage the exportation of free labour, to supply the deficiency, and enable those colonies to continue in that course — of prosperity he would call it, in spite of the speech of his hon. Friend—in which they had hitherto been progressing, but which they could no longer expect them to continue in unless by the immigration into the colony of free labour. Neither could he allow, that upon this part of the subject the Government had abandoned its duty. He begged attention to the single fact—that in 1828 10,000 emigrants had gone from this country alone to New South Wales, which must evidently produce not only a considerable effect upon the supply of labour, but also in improving the general mass of the inhabitants, by the infusion of persons who might fairly be said to be persons, generally speaking, of industrious and moral habits. So deeply impressed were the Government with the advantage of it, that they had resolved to continue a system of emigration upon the same scale, and there would emigrate this year also, under the auspices of the Government, 10,000 persons, but at the expense of the colony. If the colony were to derive important benefits, even in a financial point of view, from that circumstance, it was only just that it should bear the expense. His hon. Friend had accused the Government with having invaded the land fund, and applied it to other purposes than that for which it was intended. He believed he had gone so far as to charge the Government with a breach of faith in having violated their pledge—at what time made, however, his hon. Friend did not say. He (Mr. Labouchere) denied that the Government had pledged itself, or that it would be judicious to pledge itself, come what might, to apply those funds derived from a source which of course would be always available, wholly or in part, to the purposes of emigration. It was evident, from the address of Sir George Gipps, that at this moment the finances of New South Wales were not in a satisfactory condition; that there was an excess of expenditure over income, which, if allowed to continue, could not but involve the colony in difficulty and distress. At the same time his hon. Friend, in commenting upon that fact, should have adverted to those temporary circumstances which, to a considerable extent, had given it existence. Last year had been a year of severe drought, so severe, that Sir George Gipps had stated, that instead of there having been a demand for labour, labourers were actually standing idle in the streets of Sydney, who willing to be hired, could not find employment. This calamity had moreover in another way a direct effect upon the revenue, the prices of all contracts were raised immensely, upon which the House was aware how much expenditure depended. All provisions had likewise risen in price, and added greatly to the difficulties of the year. At the same time, Sir G. Gipps, in laying this statement before the Council of New South Wales, ended by saying, that he, for one, was of opinion, that by meeting those difficulties openly and boldly, and by a strict and unflinching system of economy in every part of the service where economy could be applied, those difficulties would be surmounted, and those colonies would continue prosperous. That was an expectation in which he heartily shared. He considered it most fortunate for those colonies that they had presiding over their councils at this moment a person of the courage, ability, and integrity of that gallant Officer, by whom, with the assistance of the council, he had no doubt that those difficulties would shortly be removed, and those colonies continue to be a source of strength to to the empire. The bill before the House merely provided for the continuance of the temporary government of New South Wales. The whole subject must necessarily come before them next year. He did not think it would be wise or prudent now to hold out expectations which it might not, upon deliberation, be in the power of Government to fulfil; but he fully agreed with his right hon. Friend, that it was desirable as soon as possible to give a more free form of government to those colonies, the state of which next year would, he trusted, enable them to submit to the House some measure upon the subject.

Mr. *Ward* said, that since he had given notice of his motion upon this subject, he had seen a Treasury minute, which, instead of appropriating the proceeds of land sales to emigration, distinctly declared, that until the difference which existed between the ordinary revenue and the expenditure in New South Wales should be completely covered by the colonial resources, no further portion of those proceeds should be employed in emigration. The right hon. Gentleman had not pushed that part of the question to its full extent. He stated that 10,000 emigrants had gone out last year to New South Wales, and that a similar number would go out this year under the auspices of the Government. But how was that to be reconciled with this Treasury minute, and the different appropriation of the land-fund for which the right hon. Gentleman claimed credit. He said it was to be done out of the colonial resources. But he had shown, that in those resources there was a great deficit. That being the case he (Mr. Ward) did not see how it was to be done without the interposition of Parliament. He implored his right hon. Friend not to encourage a spirit of jobbing and lavish expenditure in the colony, by throwing the whole proceeds of land-sales into a revenue over which they had no control. If he did so, he might depend upon seeing, as the result, the employment of a number of unnecessary officers, the building of new streets, and a lavish outlay for such purposes, which, while it might create a temporary popularity, would have the effect of retarding the permanent government of the colony itself. He contended, that it was unfair to deduct from the amount of land-sales the expences of the system of colonial police. The necessity for that force entirely arose from our sending so many convicts into New South Wales; and he did not think the colony should be charged with the expense of its maintenance.

Viscount *Howick* vindicated the application of the land-fund to the support of the police force. No doubt, the necessity for that force arose, as had been observed by the hon. Member for Sheffield, from the number of convicts sent into New South Wales; but as convict labour had been mainly the cause of its prosperity, the colony could not object to defray the expense of those establishments which were absolutely necessary to maintain public tranquillity.

Bill read a third time, and passed.

METROPOLIS POLICE COURTS.] On the motion of Mr. F. Maule, the report of the Metropolis Police Courts Bill was brought up.

On the 54th Clause,

Mr. *Hodges* moved, that so much of it as limits appeals to certain cases only be struck out. He wished appeals to be general.

Mr. *F. Maule* defended the clause, as in accordance with the recommendation of the Committee.

Report, with amendments, agreed to.

SUPPLY.] On the Order of the Day for the House going into a Committee of Supply,

Mr. *Fielden* rose to bring forward the motion of which he had given notice, and he had been induced to take this course, in consequence of the determination which this House had thought it right, in its wisdom, to come to, not to allow any further extension of the suffrage, and those other reforms prayed for in the National Petition. One of two things, it appeared to him, it was imperative on the House to do—either to give the labouring people a voice in this House, which they now had not; or to redress their sufferings, and to relieve them from that poverty of which they had so long and so justly complained. He had had many opportunities, since he became a Member of that House, of inquiring into the condition of the labouring people, and had diligently attended to the investigation of their circumstances in the Committees on which he had sat. That condition, as it had been proved over and over again in his presence, it was his duty to make known to the House. He spent two years in inquiring into the state of the unfortunate handloom weavers, and he had made statements to the House previous to this inquiry, that a very great proportion of these honest and industrious citizens had not more than 2½*d.* per head per day to provide themselves and their families with food, clothing, soap, candles, and other necessaries. In the Committee to inquire into their condition, it was proved, and the Committee reported to this House, that their poverty surpassed what he had described, that their means of living was less, and that they had borne up under these sufferings for a number of years with a degree of patience unexampled. The state of the labourers on the land—the most important and the most numerous class of workmen—was proved before the Poor-law Committee, on which he sat in the latter end of 1837, and up to July, 1838, to be little, if at all, better than the state of the destitute handloom weavers. In that Committee a minute investigation was made into the condition and income of the labourers of Westoning, in the Ampthill union, in Bedfordshire, in which union the labourers, in consequence of having straw-platting, from which their wives and children derived employment, and added to the income of the family as a whole, were not so poor as they necessarily must be in many rural districts where employment for the wives and children could not be obtained. But, possessing those advantages over some of the labourers on the land, he would state to the House what the income of six families, numbering forty-four persons, in the parish of Westoning, was proved to be; and from a stanch supporter of the New Poor-law, Mr. Pease, late high sheriff of the county of Bedford. He spoke to the excellent character of those six labourers, and he collected every source of income which they possessed; first, the weekly wages that they had, the benefits which they derived from the harvest months, the benefits that some derived from the cultivation of small plots of garden ground, and the income from the earning of their wives and children; and after having made the most favourable statement he could as to the income of the forty-four persons, he proved that their united incomes only amounted to 4*l.* 7*s.* 0¼*d.* per head per annum—that is, 1s. 8*d.* per head per week, or less, on the average, than 3*d.* per head per day, for food, clothing, soap, candles, and other necessaries, for the year 1837. The lowest income per head for his family of these honest labourers was 2*d.* per day for each person. The names of these labourers and their incomes would be found stated in Appendix No. 2, in the reports 27, 38, and 39 of the Poor-law Committee ordered by this House to be printed, June

These labourers were men of good repute, receiving no parish relief whatever; the number of weeks they were employed during the year averaged 256, the lowest number of weeks' employment for any one of them was 40; the highest number that any one had was 45; the average number of weeks' employment for each was 42 weeks and 4 days; and the average wages which they received for their own labour exceeded 10*s.* per week. And yet they were in the lamentable condition that he had described. It was impossible for him to understand how the best paid of the labourers could honestly support themselves and their families with a sufficiency of food and clothing, and other necessaries, at the prices they had to pay for these things, taxed as they now are. But if the man with 4*d.* per head (and there is only one of the six that had so much) could not maintain his family as a labourer ought to be maintained, what was to become of poor Richard Pedder, an honest industrious labourer with only 2*d.* per head per day for each member of his family? What was he required to do to prove that he was destitute? Why, he must submit to the workhouse test, be separated from his wife and his children, or otherwise he must beg, or steal, or starve. Now, was that dealing fairly or honestly with this labouring man? Could any man lay his hand upon his heart and say that it was just? Nay, must not every man say, that it was wicked to make this honest labourer, out of the small earnings of himself and family, pay one-half of those scanty means in taxes upon the necessaries of life which he ought to consume? Having stated to the House the condition of these two classes of labouring people, he felt it incumbent on him to state what is the condition of those employed in the factories. It was well known, and had been often urged on that House, that when they are in full employment their labour is excessive, and as they have long prayed this House to lessen, but without effect. But these unfortunate individuals are now suffering from only having partial employment. In the cotton manufacture, which employs more hands than all the other branches of manufactures put together, and with which he was more particularly acquainted, the consumption of cotton for this year proved to demonstration, that they had not had an average of four days' work per week. Some are thrown out of employment altogether, and are suffering the most severe distress; a much larger number are suffering from partial employment, and a very few are in a state to provide themselves with a sufficiency of the commonest necessaries of life. He had now shown as briefly as he could the state of the labourers on the land, at the handloom, and in the factories. With regard to the first, he had taken his example from a part of the country where the nominal amount of wages is high, and where the families of labourers have a peculiarly advantageous means of employment. What must it be where the wages are only 7*s.* a-week, as had been affirmed by many hon. Gentlemen of that House, and where the wives and children have scarcely any employment at all? As to those at the handloom, they may be outcasts of society. The fact of their distress has been made known to the House by Committees of the House, and by commissioners. It had had petitions from all parts, praying the House to do something to relieve them from their poverty; the House had refused to allow a bill to be introduced having that object, and all that it had done for them notwithstanding their destitute condition, had been to pass the New Poor-law, and to throw them helpless on their own resources. Those in the factories had received the same want of attention to their repeated petitions, and what the House had done for them has been under the operation of the New Poor-law, to swell the number of applicants for that employment by causing what was called the surplus population on the land to migrate to the manufacturing districts in the north; to bring down the wages of that class, to the same level as those who are suffering on the land and at the hand-loom, which migration had been attended by the most deplorable suffering on the part of many, and the termination of the existence of not a few. For this state of things there must be a cause, and that cause, notwithstanding all he had heard said in that House to the contrary, was taxation on every article of consumption which the people are called upon to pay. There was the corn tax, malt tax, soap tax, hop tax, candle tax, coal tax, sugar tax, tea tax, coffee tax, butter tax, cheese tax, fruit tax, taxes upon raw materials for manufactures, amounting together to upwards of 17,000,000*l.* annually. These press peculiarly upon the labouring classes and deprive those who endeavour to employ them, of the means of doing so to the extent which they would do if these taxes did not exist. There are the other taxes amounting in the whole to more than 35,000,000*l.*, which have the same tendency to prevent employment, and to lessen consumption, although some of them being taxes upon luxuries and direct taxes, may not perhaps operate to the same extent injuriously to the poor. Three great mistakes had been made by that House since the return of peace. It passed the corn-law to make food dear, and it repealed the property tax to exempt the rich from paying their fair proportion, in about one year from the close of the war; and in 1819, it passed the bill which bears the name of the right hon. Baronet, the Member for Tamworth, to double the value of money, by which it doubled the pressure of taxation, unjust as the mode of levying it then was, and still is. In proof of this, he had looked at what was the average price of the quarter of wheat for 19 years previous to 1819, and which he found to be 86*s.* 1*d.* per quarter, and the average price of wheat for the 19 years that have elapsed since 1819 has been 56*s.* 10*d.* per quarter, and this showed that every man engaged in raising wheat, to raise 3*l.* for taxes in the first 19 years, had to give five bushels and a half of wheat, whereas, in the latter 19 years, he has had to give eight bushels and a half of wheat to raise the same sum. But the evil is still going on; for if he took ten years preceding 1819, he found the quarter of wheat was 90*s.* 10½*d.* a-quarter, and the average price for ten years ending 31st January, 1839, was only 56*s.* 3½*d.* per quarter. In the first of these ten years, 3*l.* would buy nearly nine bushels of wheat. This showed that the taxes were nearly doubled, as applied to the produce of the land. With regard to those engaged in manufactures, they have to give the labour of manufacturing four things to raise the same amount of taxes which the labour of manufacturing one thing would command at the close of the war; that is, in the cotton manufacturing branches he knew, that they had 75 per cent. less now for manufacturing than they had during, and at the close, of the war. The 53,000,000*l.* of taxes, raised last year would purchase as much wheat as 90,000,000*l.* of taxes would have purchased at the average price of wheat for ten years preceding 1819: and in the cotton manufactures four times the quantity may be purchased with the same amount of money that it would purchase in 1815. It is this increase of taxation that caused the increase of distress. It takes away from those who employ labour, the means of doing so to the extent they would do if they had not these taxes to pay, and it causes them to reduce the labour of the people, and to prevent their consumption of the necessaries of life which they create. It could not be denied by any one that this two-fold operation must be exceedingly injurious to both the employers and the employed. He might be told that the taxes have not this effect, for that they are expended again by those who receive them, in affording employment and the means of living to all engaged in productive industry; but this he denied. Look at the amount that had since the war gone out of this country in foreign loans. Mr. Marshall, in his evidence before the hand-loom committee stated it to exceed 100,000,000*l.*, and this sum had been augmented since. This had gone to raise up manufacturing competitors in other countries, and thus had deprived us of the power of giving to the people the same employment that we otherwise could have done, and had deprived us of the means of obtaining that profit which we should have obtained if these loans had not been contracted; and we are now arrived at that state as regards our manufacturing industry, that, notwithstanding all the ingenuity that had been brought into practice, and all the improvements in machinery, we cannot profitably employ our manufacturing people. Another mode of spending the taxes is on luxuries imported from foreign countries in return for our exports, and used here by the rich only, because the great body of the people cannot command these things. This is no better than giving the labour of our people for that which is not bread, and their strength for nought. The labourer being circumstanced as he had described, has a right to complain. Others have described their condition, and shown that they are cruelly treated. Dr. Price, in his day, in his tables on reversionary payments, says,

> "The nominal price of day-labour is at present no more than four times, or at most, five times, what it was in 1514; but the price of corn is seven times, and of flesh and raiment

about fifteen times higher. So far, therefore, has the price of labour been from advancing in proportion to the increase in the expences of living, that it does not appear that it bears now half the proportion to those expences that it did bear formerly."

The labourer he believed to be worse off now than he was when Dr. Price wrote; and, in addition to the sufferings from inadequate wages, the Legislature had robbed him of his charter, and thrown great difficulties in the way of his obtaining relief. He, therefore, does, and will, continue to complain of his social condition, however the noble Lord, the Secretary for the Home Department, may dislike it; and every well-wisher to society ought, he thought, to urge him to repeat his complaints again and again by petitions to this House until he obtained redress. It was to get an improvement of their social condition that the working people joined in the cry for reform in 1831-2. It was because the reformed Parliament has not reduced the taxes, nor improved the social condition of the people, that they now sought for a further reform. This reform, or an improvement of the social condition of the people, the House must concede, or its doom and the fate of the country is sealed. A change would be made, peaceably or violently, and all the additional force this House was voting would not prevent it, but might accelerate the end. This country was in the condition that the Roman empire was in just before its fall, and that France was in just before the breaking out of the first revolution, as described by Mr. Gibbon and Mr. Arthur Young. Mr. Gibbon, in describing the cause of the fall of Rome, says—

> "The horrid practice of murdering their new-born infants was become every day more frequent in the provinces. It was the effect of distress, and the distress was principally occasioned by the intolerable burden of taxes, and by the vexatious, as well as cruel, persecutions of the officers of the revenue against the insolvent debtors. The less opulent or less industrious part of mankind, instead of rejoicing at an increase of family, deemed it an act of paternal tenderness to release the children from the impending miseries of a life which they themselves were unable to support."

Mr. Arthur Young, who was a resident in France at the outbreak of the revolution, which shook that country to atoms, and scattered its nobility and gentry to wander over the earth—he who saw it, and examined its cause, wrote these words:—

> "It is impossible to justify the excesses of the people on their taking up arms; they were certainly guilty of cruelties; it is idle to deny the facts, for they have been proved too clearly to admit of doubt. But is it really the people to whom we are to impute the whole—or to their oppressors, who had kept them so long in a state of bondage? He who chooses to be served by slaves, and by ill-treated slaves, must know that he holds both his property and his life by a tenure far different from those who prefer the service of well-treated freemen; and he who dines to the music of groaning sufferers, must not, in the moment of insurrection, complain that his daughters are ravished and then destroyed, and that his sons' throats are cut. When such evils happen, they surely are more imputable to the tyranny than to the cruelty of the servant. The analogy holds with the French peasants. The murder of a seigneur (a lord), or a country seat in flames, is recorded in every newspaper; the rank of the person who suffers attracts notice; but where do we find the registers of the seigneur's oppressions of his peasantry, and his exactions of feudal services from those whose children were dying around them for want of bread? Where do we find the minutes that assigned these starving wretches to some vile pettifogger, to be fleeced by impositions and mockery of justice in the seigneur's courts (petty courts of justice?) Who gives us the awards of the *intendant* (head tax-collector) and his *sub-délégués*, which took off the taxes of a man of fashion, and laid them with accumulated weight on the poor who were so unfortunate as to be his neighbours? Who has dwelt sufficiently upon explaining all the ramifications of despotism, regal, aristocratical, and ecclesiastical, pervading the whole mass of the people; reaching, like a circulating fluid, the most distant capillary tubes of poverty and wretchedness? In these cases the sufferers are too ignoble to be known, and the mass too indiscriminate to be pitied. But should a philosopher feel and reason thus? Should he mistake the cause for the effect? and, giving all his pity to the few, feel no compassion for the many, because they suffer, in his eyes, not individually, but by millions? The excesses of the people cannot, I repeat, be justified; it would undoubtedly have done them credit, both as men and as Christians, if they had possessed their new-acquired power with moderation. But, let it be remembered, that the populace in no country ever use power with moderation; excess is inherent in their aggregate constitution. And as every government in the world knows, that violence infallibly attends power in their hands, it is doubly bound in common sense, and for common safety, so to conduct itself that the people may not find an intetest in public confusion. They will always suffer much and long before they are effec-

tually roused; nothing, therefore, can kindle the flame but such oppressions of some classes or order in society as give able men the opportunity of seconding the general mass; discontent will diffuse itself around; and if the Government take not warning in time, it is alone answerable for all the burnings, and all the plunderings, and all the devastation, and all the blood that follow."

It appeared to him that we were in the state which Mr. Arthur Young had described, in words applied to other countries and other times. We have all the weight of taxes here complained of, and all the consequences described as resulting from them. That, indeed, described by Gibbon, as the "horrid practice of murdering new-born infants," might be supposed, by those unacquainted with the real state of society, not yet to have taken root amongst us. But the country has its eye upon the numerous cases of infanticide resulting from poverty and the operation of the New Poor-law; and it does not forget, that since that law was passed, there has issued from the shop of a respectable bookseller in London, a publication recommending to parents a systematic and wholesale murder of infant children the moment they are ushered into the world, as a wholesome piece of domestic as well as state policy, the means being pointed out with minuteness under the term of "painless extinction." The question is, what should now be done? What he would recommend the House to do to ameliorate the condition of the people, he had stated in a resolution which he should move, and take a division of the House upon. The resolution itself contains the reasons for such a course, and the mode of carrying it out. Its object is to reduce the taxes upon the necessaries of life, in order to bring down the price of the necessaries, and to give the poor people a larger command over them in return for their labour, and he thought its operation would be fair towards those engaged in the cultivation of the soil, and towards those engaged in manufactures, shipping, and commerce. It was not necessary for him to go into any details on the equitable assessment of property which he suggested in his resolution; but he had read "an argument for the general relief of the country from taxation, and eventually from the corn-laws, by an assessment on property," by Mr. Heathfield, an actuary in the city. The argument and the observations with which Mr. Heathfield accompanies it, squared in the main, with his opinions of the course which should be pursued to carry out what he recommends, and what his resolution proposed. Mr. Heathfield gives an estimate of the assumed value of all descriptions of property, which he was inclined to think somewhat overvalued; but that does not invalidate the principle that ought to be adopted. Mr. Heathfield's proposition is to throw the taxes on the owners of accumulated property, and to do away with the taxes raised through the medium of excise and customs on those articles which he had enumerated in his resolutions. He was a man of property himself, and would very willingly acquiesce in giving up that part which would be required of him to carry out his proposition, with a view to secure peace to the mansion and the homestead, and more comfort and contentment to the inhabitants of the cottage than now existed. He, therefore, begged leave to move the resolution of which he had given notice:—

"That the taxes imposed on the necessaries of life in this country render them so dear, that the working people cannot command a sufficiency to supply their daily wants; that the taxes imposed on raw material are an obstruction to the productive industry of the country; and that the inability of the people to purchase a sufficiency of the things which their labour would produce, acts injuriously upon those who employ the people, and compels them, from want of a market at remunerating prices, to limit the employment of many, and to refuse employment altogether to others, who are anxious to earn their bread by the labour of their hands, and who, from being denied employment, are compelled to accept relief from the parish in any way that they can obtain it, or starve. That such a state of things is detrimental to the productive classes, and dangerous to all other classes. That, according to the return ordered to be printed by this House on the 10th day of June last, the taxes raised by the Excise and Customs on the following articles amounted, in the year ending the 5th day of January, 1839, to the sum of 17,614,543*l.*—viz. on malt, 4,932,080*l.*; hops, 302,906*l.*; soap, 810,813*l.*; candles and tallow, 183,669*l.*; coals, sea-borne, 7,632*l.*; sugar and molasses, 4,893,684*l.*; tea, 3,362,035*l.*; coffee, 684,970*l.*; butter, 251,665*l*; cheese, 113,907*l.*; currants and raisins, 300,898*l.*; corn, 186,760*l.*; cotton-wool and sheeps', imported, 725,445*l.*; silk, 254,874*l.*; hides and skins, 61,478*l.*; and on paper, 541,788*l.* That justice, sound policy, and humanity, require that the laws imposing these taxes should be repealed, the corn-laws abolished, and that the revenue should in future be raised by an equitable assessment on property."

Mr. *Williams* seconded the motion. He felt great regret that his hon. Friend had not brought forward a motion of this important nature at an earlier period of the Session. His hon. Friend had given a most lamentable description of the state of the productive classes; but he was fully borne out in his tale of woe by their real condition. It had often been his lot to offer all the opposition in his power to acts of extravagance committed by the government, but he felt convinced that this House would never stop in its career of profuse expenditure, that it would never show any regard for economising the revenues of the country, until the taxes were fairly borne by themselves. In the present state of taxation the poorer and middle classes were burdened much more heavily than the rich. Hence arose the indifference of Members of that House to every proposition for reducing the taxation of the country. He held in his hand a list of eleven articles, the amount arising to the revenue from which was 30,000,000*l.* out of the 51,000,000*l.* of annual taxation. All these taxes fell as heavily on the middle and lower classes as on the rich; but there were some of them, consisting of sums levied on the necessaries of life, which pressed with four or five times more weight on the poor than they did on the rich. The tax on British and foreign spirits was 8,000,000*l.*, that on malt 5,000,000*l.*, that on sugar 4,000,000*l.* Would any hon. Member deny that these taxes fell as heavily on the poor as on the rich? But how stood the case as regarded the indispensable necessaries of life, particularly to those engaged in manufactures? Malt and hops, he need not say, were the ingredients out of which the poor man's beer was made. The profits received by the brewer and seller of this article served to raise the tax on it to 130 per cent. How was the rich man's wine taxed? Why, claret and champagne not 20 per cent.; but taking all wines together, the impost laid on them did not exceed 25 per cent. Let it be recollected, too, that wine to the rich man was a luxury; beer to the poor man was an indispensable necessary. The poor man's tea, was taxed 200 per cent., whilst the rich man did not contribute more than 30 per cent. to the revenue. Tobacco was no doubt a luxury, but he believed there were many poor men who would give up their meals rather than do without tobacco. This article was taxed probably not less than 800 per cent. Now would they do what his hon. Friend recommended, and place those taxes, which now pressed so heavily and unjustly on the poor, in a fair porportion to their wealth, on the rich? No, they would do nothing of the sort. They would never tax themselves so long as the poor man was shut out from the right of electing Members to that House. Could any man wonder at the dissatisfaction which now existed? Those were the grievances which called it forth, and they were enough to cause it. His hon. Friend had made out a case so strong, that, if any feeling existed in that House for the sufferings of the poor, it would be the means of obtaining for them some relief. The hon. Member for Wolverhampton had proved that the tax on corn cost the country eighteen millions annually. This should be called a tax payable by the poor man through the rich. This unequal system of taxation was producing its natural effects. The diminished means of consumption was proved by the fact that the difference between the amount received for the tax on malt in the year 1836 and in the last year was upwards of a million sterling.

The House divided on the original motion. Ayes 58; Noes 15: Majority 43.

List of the AYES.

Barnard, E. G.
Bernal, R.
Blackburn, I.
Blair, J.
Blake, W. J.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Callaghan, D.
Cowper, hon. W. F.
Craig, W. G.
Divett, E.
East, J. B.
Eaton, R. J.
Elliot, hon. J. E.
Farnham, E. B.
Gaskell, J. M.
Gordon, R.
Grattan, J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hamilton, C. J. B.
Hodgson, F.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Hutton, R.
Lowther, J. H.
Maule, hon. F.
Morpeth, Viscount
Norreys, Lord
Paget, F.
Palmer, G.
Parker, J.
Parker, R. T.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Rice, right hon. T. S
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord
Rutherfurd, rt. hn. A.
Seymour, Lord
Sheil, R. L.
Sheppard, T.
Smith, G. R.
Somerville, Sir W. M
Stanley, hon. E. J.
Stanley, hon. W. O.
Stock, Dr.
Surrey, Earl of
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Waddington, H. S.

Wilde, Mr. Serjeant
Wood, C.

TELLERS.
Baring, F. T.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Browne, R. D.
Duncombe, T.
Ewart, W.
Finch, F.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hume, J.
Humphery, J.
O'Connell, D.
Scholefield, J.
Williams, W.
Yates, J. A.

TELLERS.
Attwood, T.
Fielden, J.

EDUCATION (IRELAND).] On the question being again put,

Mr. *Dillon Browne* felt sorry that he had not a different opportunity of calling the attention of the House to the motion which he rose to bring forward, but the fact was, that it was grounded upon a petition which was not received by the House, and which was presented so late in the Session that he could find no certain opportunity except the present for bringing the matter forward. He felt that he was about to give expressions to sentiments which would place him in no very desirable position. He felt he should be opposed on the opposite side of the House, because hon. Gentlemen might suppose that the object of his motion was to maintain the stability of the Catholic Church by civil enactments, when he only desired to assert its religious independence, and he did not expect a more favourable reception from the varied sections that compose the ministerial side of the House. Her Majesty's Government would oppose him, some because they were as hostile to the progress of the Catholic faith as the most orthodox hon. Gentlemen opposite, though they expressed themselves in different terms; and others because his proposition was opposed to the present system of national education in Ireland, of which the present Government were sponsors. He should be opposed also by another section at this side of the House, the English and Irish Protestant movement party. Deriving their belief from private interpretation, they had in common no definite principles of faith, and consequently thought it was impossible (and under the circumstances he agreed with them), to adopt any religious instruction agreeable to all. Others who wished to unite with secular instruction certain moral instruction, based upon a vague, abstract, indefinite principle, which he could not comprehend, a species of compound extract of all religions, a sort of ethical quintescence, which they declared to be common to every creed, but which he feared would be recognised by none. And he felt he should be opposed by another section on his own side of the House, which gave him much cause of regret, many of whom were his friends, most of whom were his fellow-countrymen, and all of whom were his fellow-believers. They would oppose him, not because they did not wish as sincerely as he did to maintain the religious independence of the Roman Catholic Church, not because they did not acknowledge as fully as he did, that no religious instruction can be received by Roman Catholic children incompatible with Ecclesiastical authority, and not because they did not see as clearly as he did that the time was fast approaching, when, arising out of very potent reasons, the whole Catholic hierarchy of Ireland would repudiate the present system of national education in Ireland, but they would oppose him because they might think that dwelling upon a subject of this peculiar nature was imprudent in a Roman Catholic. The member of that Church who did as he was doing might be designated by those who confounded civil with religious duties, as a political bigot, when he was only maintaining the religious rights and privileges of his Church. Those Gentlemen might censure him too because they saw him in opposition to a favourite Government upon a favourite scheme, and saw him assailing her Majesty's Government in Ireland in a quarter in which they were found very vulnerable in this country. Indeed it had been said, as he had been informed by an hon. Member, a particular friend of his, that in consequence of his having held peculiar opinions upon this subject, that he risked his seat. However the hon. Gentleman might have used the expression, he could not so far forget early associations as to reciprocate the wish. It had also been stated, that whatever might be his private opinions, he had no right to act in opposition to his party, this was a system of political philosophy he could never adopt, because it resolved itself to this, that a supporter of Government should never have an opinion of his own. In fact, in political matters, the doctrine of the barbarian who burned the library of Alexandria should be established—that we should seek all wisdom and principle in the Koran given from the Treasury benches, and it ought to be esteemed profanation to look beyond it—that a man was not to think or act for himself, or to propound any scheme emanating from his own mind—that he was never to vindicate his own principles, though, at the present time, whatever might be a man's opinions, and however they might be opposed to his party, and however slavishly and mechanically he may serve that party, he need not, in the great vacillation of parties, despair of seeing those opinions vindicated. Therefore, he saw that he should meet with considerable resistance from all sides, and sympathy from none, but he hoped that the House, which was always inclined to act generously, would accord to him its attention, particularly because he stood alone, and did not hearken to the voice that would whisper to him

> "For party give up what is due to mankind."

In treating this important subject he would indulge as little as possible in any polemical matter; he would only introduce it as far as it was necessary for the illustration of his argument. He knew that religious discussion was displeasing to the House, but it was anomalous to expect the entire rejection of it, when the House legislated upon religious matters. They were to consider this subject, first as regarded the combination of religious and secular instruction, and, secondly, how that combination should be made so as to sink the sectarian prejudices of all parties, and, as far as his motion extended, the peculiar state of society in Ireland. He begged to be understood, that he did not wish to press upon the consideration of the House any peculiar religious opinions of his own, he did not wish to maintain that one set of religious opinions were right, and another wrong, but that such being the notions of the majority, that we should to a great extent legislate accordingly. He did not wish to attach any peculiar importance to any peculiar opinions, but he wished to maintain, that whatever were the opinions of the masses, their laws should bear a necessary reference to them. Whatever might be his private opinions, he would not in that place declare, that the Irish people were right in submitting the religious instruction of their children to the pastors of their Church; but that such being the feelings of the Irish people, we could not establish a system of national education repugnant to those feelings. He was of opinion, that secular and religious education should be combined. He held this opinion simply as a citizen, without even referring to higher considerations, for if he had been an unbeliever, he would maintain, that religion was the best engine which could be used to promote the prosperity and happiness of the State. For he always thought, that those moral fears excited in the youthful mind by early instruction, did more in after life to deter men from the commission of the greater crimes than all the penal enactments with which you could crowd your statute-book. Many a man, instigated by bad passions to take away the life of his fellow, would despise the authority of the law, and, perhaps, anticipate its judgment with his own hand, did he not, in consequence of early impressions, fear a tribunal which is not of this world, and an inevitable justice whose vigilance never sleeps, and whose course cannot be diverted. Religious instruction being combined with secular, the next consideration was, how could that combination be best made to suit the sectarian prejudices of all parties. Could it be done under a lay supervision? The Government say they will adopt a Committee on authority common to all, and communicate religious instruction common to all. Could this be done in a community composed like this, of multitudinous sects, some of whom acknowledged Church authority, and some of whom did not; and many of whom differed in essentials? Those who did not recognize any Church authority, might receive religious instruction however it came; but those who did acknowledge it, would repudiate this joint-stock company in religion. Where they differed in essentials, could you find any religious instruction common to all? To achieve that desirable undertaking, you should discover some resting place so elevated above all sectarian prejudices, that each could find a neutral ground to join in bonds of amity. Could you find this neutral ground between the Roman Catholic Church and the Church of England? Could you find for them any principle common to both, which they consider so paramount above all others, that they will reject the consideration of all others to obtain instruction upon this? You will, perhaps, say this principle is the abstract question of redemption. But the Roman Catholic was bound to consider a belief in the sacrifice of the mass, and in the seven sacraments, as essential to salvation as a belief in the redemption; and any Catholic teacher who is conscientious, would be obliged to inculcate this principle. Therefore, you would exclude Catholic teachers from giving religious instruction, or you would employ men who ought not to be trusted. Amongst the other Dissenters, are there any brighter hopes of coming to an understanding? Suppose there were established in this town, a school upon your joint-stock principle amongst a community which comprehends different sects—members of the Established Church, Presbyterians, Socinians, and Unitarians—and that the majority (and it is no very remote contingency) were Unitarians; suppose Mr. Fox, the Unitarian preacher, were chosen as the spiritual instructor. Now, Sir, Mr. Fox declared—he, (the hon. Member) used the expression with the greatest reverence—speaking of the godhead of the Saviour, "that our Saviour was merely a prophet; that he was the first radical Reformer of his time; and that if he were incarnate in those days, he would be taken up as a Chartist!"* Could any Protestant, could any Roman Catholic, could any Christian parent submit his child to receive religious instruction from this man? And Mr. Fox would have as good a right as any member of the Established Church to lay claim to be made religious instructor under the joint-stock company in religion. Therefore, he thought, that secular and religious instruction could not be combined under a lay supervision. And then he came to the peculiar state of society in Ireland; he was not cognizant of any country less calculated from its social condition to receive a combined system of religious education. There had been two parties in Ireland long contending, the one for equality, the other for domination; and religion was the weapon they most constantly made use of in their conflicts. When civil concessions were granted on the one side, and when licentious power was bridled upon the other, the state of things was not much improved. Catholic emancipation, and the suppression of Orange societies, did not much improve the moral condition of the country; for afterwards two evil passions raged, the least calculated to promote that object, and the most to disturb the social order—on one side the keen memory of wrong, and on the other, the sullen mortification engendered by the loss of power. Those passions are ever fermenting, being kneaded by the vigilance of one party or another, and however they may assume to-day the aspect of tranquillity, like the yeast of the housewife, a small portion is always laid by to feed the excitement of to-morrow. Under those circumstances, how can you adopt a system of religious education, common to all, and acceptable to all? Will those who have lost power receive religious instruction from their Helots, or will those who have gained equality allow their former tyrants to minister to them? No more than will the emancipated negroes of Jamaica (and we know this from sad experience) receive their laws prescribed to them by their former task-, masters. There could not be adopted a joint system of education in Ireland. Any system of education adopted in Ireland must have respect to the Roman Catholic religion. There are 7,000,000, forming the majority of the population of that country; any national education must respect the feelings of that majority, or as far as they are concerned, it will be inoperative. They cannot receive religious instruction, except from their pastors or persons accredited by them, because every Roman Catholic is obliged to submit, with implicit obedience, to the authority of his Church. That implicit obedience has procured for the Church its most distinguishing mark, its unity, which has been undisturbed by time, and space, and clime, and taste, and language; which had adapted it to flourish under every Constitution, while it could be affected by none. Let the House, however, take those opinions from the Catholic hierarchy themselves. In 1826, the Catholic Bishops in Ireland assembled in synod, and after frequent conferences with Government, promulgated certain resolutions as the analysis of their aggregate opinions, and as an example to their flocks. He would read a short extract from those resolutions:—

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* It seems proper to state, that the gentleman alluded to in the text, denied ever having used any such word or words bearing any such interpretation as Mr. D. Browne assigned to the language of Mr. Fox.

"That the admission of Protestants and Roman Catholics into the same schools for the purpose of literary instruction, may, under existing circumstances, be allowed, provided sufficient care be taken to protect the religion of Roman Catholic children, and to furnish them with adequate means of instruction. That in order to secure sufficient protection to the religion of Roman Catholic children, under such a system of education, we deem it necessary that the master of each school in which the majority of the pupils profess the Roman Catholic faith, be a Roman Catholic; and that in schools in which the Roman Catholic children form only a minority, a permanent Roman Catholic assistant be employed, and that such master and assistant be appointed upon the recommendation, or with the express approval, of the Roman Catholic Bishop of the diocese in which they are to be employed; and further, that they, or either of them, be removed upon the representation of such Bishop. The same rule to be observed for the appointment or dismissal of mistresses and assistants in female schools. That in conformity with the principle of protecting the religion of Roman Catholic children, the books intended for their particular instruction in religion shall be selected or approved of by the Roman Catholic Prelates, and that no book or tract for common instruction in literature, shall be introduced into any school in which Roman Catholic children are educated, which book or tract may be objected to on religious grounds by the Roman Catholic Bishop of the diocese in which such school is established. That appointed as we have been by Divine Providence to watch over and preserve the Catholic faith in Ireland; and, responsible as we are to God for the souls of our flocks, we will, in our respective dioceses, withhold our concurrence and support from any system of education which will not fully accord with the principles expressed in the foregoing resolutions."

Such were the resolutions passed in the year 1826, by the Irish Bishops assembled in Synod; their opinions are there given distinctly upon the terms upon which they are willing to receive Government assistance for the purposes of national education. These opinions have not since been altered, and they are not to be mistaken. They declare that they will not recognize any system of education, except with the following provisions:—That they will not allow Catholics to be educated in the same schools with Protestants, unless that there is a Catholic teacher appointed where the majority are Roman Catholics, and that when Roman Catholics only form the minority, that there is appointed a permanent Catholic teacher, approved of by the Bishop of the diocese, and subject to removal upon his recommendation. These principles are as distinctly opposed to the regulations of the Board of National Education in Ireland as principles can be; but it may be said, that the Catholic hierarchy in Ireland have altered their opinions, and that when, on a late occasion, certain resolutions hostile to the Board were proposed by the Archbishop of Tuam, that these resolutions were negatived by a majority. This is a fact. But a minority of eight supported the propositions of Dr. M'Hale, which would, independently of other considerations, be a sufficient reason to prove, that the national system of education could not be generally efficacious, for those Bishops superintend districts which comprehend one-third of the population of Ireland, and they have concurrent with them in opinion, a large majority of the members of the Established Church; and the majority of Bishops, in approving of it, gave but a qualified approval, and subject to a reservation which must be ultimately fatal to the system. They said,

"We will not disapprove of the Board, however it may lay down principles discordant; for as its regulations depend upon civil enactments, we are not ecclesiastically responsible for it; but it will be our duty to see that practically it does not operate incompatibly with the authority of our Church. We do not wish to destroy it, because we wish to make use of it; but we shall only make use of it in strict accordance with our own principles. We will assert, primarily, our own authority, and stand in a position as if it never existed. In our clerical capacities, it is not necessary we should be cognizant of its existence. We will resolve that the children of our Church shall be educated in our faith after that fashion which their Bishops will approve of. We will receive pecuniary assistance if, under the circumstances, it is offered to us, we care not from what quarter it comes, or from what Board, however constituted, as to its fundamental principles, provided it does not interfere with us in its practical operations."

Therefore the Board stands in this position: it has eight Bishops separating from it because it is not established upon certain principles, and the remainder of the Bishops will hold no connexion with it unless those principles are put into operation. Unless the House adopted the suggestion in this resolution which he proposed, it would exclude more than one-third of the population of Ireland from the benefits of the system, and unless in practice it followed the spirit of this resolution, it would exclude almost the whole of the population. But he had strong reason to believe, that that approval had been given by the majority of the Bishops to the Board, with a reservation which would prove fatal to the system. The matter was referred to a higher authority, and to one which must necessarily be omnipotent with the ecclesiastics of the Roman Catholic Church, and he believed that the decision, though it was not yet officially announced, was in accordance with the opinions of Dr. M'Hale. But whatever might have been the peculiar decision upon that peculiar case, there were recent circumstances connected with the ecclesiastical history of Europe which rendered it a matter of little doubt. In fact, every day the opponents to the Board of National Education were increasing. It was but a short time since Dr. M'Hale stood alone; it was found that eight Bishops adopted his principles when suggested, and when it was generally supposed he would not have had one to support him; in fact, Catholic hostility to the Board was spreading rapidly over Ireland. He would take the liberty of reading an extract from a letter received from a divine of the highest character, and of acknowledged talents; he was not at liberty to mention the name, as the letter was only just put into his hands by a party who was not authorised to give it publicity, but it came from an individual not connected with the eight Bishops who were allied to Dr. M'Hale, and it comprehended what he conceived to be the principal objections to the Board of Education, and given in language better than he could adopt:—

"The chief objections to the existing system, as far as I can recollect, are the following;—1st. A combined system of education on the basis of religion, and yet excluding religious peculiarities, must either exclude the Catholic religion altogether, or give offence to some party. 2nd. Government interference is bad. 3rd. Structure of the Board is vicious and sectarian, because a Board, in which there are only three Catholics, does not represent in due proportion the Catholic population; because, as is notorious from the errors of the scripture lessons and fifth book of lessons, it affords not a sufficient security for our faith; because the composition of these books was entrusted to Carlisle, a Presbyterian; and because the structure of that Board is a formal recognition of Protestant ascendancy in a Catholic country and national concern. 4th. The system of district inspectors has been objected to. 5th. Training school also objectionable. 6th. Scripture lessons have been proved to contain heresy and error almost in every page. The questions appended to them embrace all existing controversies. The notes are saturated with the Calvanistic errors. The text is faithless, corrupt, and unauthorized. And the uncontrolled power of the masters in expounding these books, makes the thing still more dangerous. 7th. The 5th book of lessons contains theories at variance with Moses, and has been strongly objected to. 8th. The provisions of the existing system have been proved to be at variance with the resolutions of the episcopal body in 1826. 9th. It has been urged also that the fundamental principle of the system is vicious and anti-Catholic. As the primary object of the system is to unite all in a forgetfulness of religious destinations, to impart education upon neutral grounds, and to thrust peculiar tenets into the contemptuous obscurity of separate instruction. Finally, it has been contended, and it is my impression, that nothing but a separate grant will ever satisfy the people of Ireland."

Those were the sentiments of a learned divine, with which he perfectly coincided. He would not allude to the opinions of Dr. M'Hale—they were well known to the House and to the country; and they were opinions which would be respected by every Catholic and every Irishman, as emanating from a man who was an ornament to his Church and to his country, who shone brightest amongst the Catholic hierarchy, and who filled the vacancy left in it by Dr. Doyle; indeed, the people of Ireland, in mourning for the loss of that great polemical champion, might turn to Dr. M'Hale, applying the quotation made use of on a late occasion by the noble Lord the Member for North Lancashire, and when they saw one golden fruit fallen from the parent stem, might exclaim in truth—

"Primo avulso non deficit alter
Aureus et simili frondescit virga metallo."

He thought that the present system of national education could never work, that no power or no art could force it upon the consideration of the people of Ireland. The desire of a favourite Government could not do it. Even the support to it, if given by the great champion of the liberties of his country, would not do it. Nor would it be effected by the bland temporizing of Dr. Murray. The policy of England had ever been to force upon the Irish people the religion of their conquerors, to Anglo Saxonize the country in every respect. And the people had shown, under circumstances the most trying, the most unexampled fidelity to their religion.

The history of Ireland proves how assiduously her persecutors pursued their object, and how faithfully the persecuted clung to their altars. In every age and under every circumstance, the history of Ireland is sadly connected with religious persecution, and is brightly illustrative of national fidelity to religion. We may revert to the remotest period, whether our liberties were trampled by the hoof of the heathen, or under the banners of the cross. There is an evidence of the same object on the one side, and the same resolution upon the other. We may look back from Turgesius to Cromwell, and from Cromwell to the present time, and while invariably we see the frequent brand cast into the Temple, as we trace the ravages of the barbarian up the steep of time, we at the same time, mark in our progress how, still undismayed, the Catholic clung to the sanctuary. tuary. Do you think, now, that that people who have been so faithful to their creed, will permit a proseletysing Government Board, coming with a smiling face, to undermine their principles? What they refused to persecution, will they yield to sophistry and intrigue? The wolf which they repelled, will they now admit into the fold, because it approaches under sheep's clothing? Will they desert their Priesthood? When you passed every law that bigotry could suggest and tyranny enforce, to shut the people of Ireland out from religious instruction, did their priesthood desert them? When you endeavoured to put out the mind of Ireland, and when you rendered it penal not alone to educate its Catholic population, but when you declared it to be crime of peculiar atrocity to educate a minister of religion, did the people then want religious instruction? They then obtained it—they now will draw it from the same source, and they will not forget that in the days of persecution that that priesthood sought abroad, for their sakes alone, that education which was denied them at home, and collected, even amid the convulsions that agitated England, those seeds which they have scattered in their native land, the glorious harvest of which Ireland now exhibits in her seven millions of Roman Catholic population. The hon. Member concluded by moving,

"That, to satisfy the conscientious scruples of a large proportion of the Protestant, as well as Roman Catholic population of Ireland, and conciliate to the Board of National Education in that country the general confidence of the community, it is expedient that this House do recommend to the Commissioners the discontinuance of the use of the "Scripture Lessons," which are equally offensive to persons of all religious persuasions, as a mutilation of the Word of God; that it be a further recommendation to the Commissioners to adopt in practice the principle of setting apart an hour of each day for the religious instruction of children of different creeds, to be communicated in separate sections of the schools connected with the Board either by the spiritual pastors of the children respectively, or by other competent persons duly accredited by them, and subject to their supervision and control; that no religious instruction be communicated to the children in such schools except by their pastors, or by persons so accredited; and that, there being but two Roman Catholics amongst the seven Members of whom the Board consists, it is desirable, in order to secure the confidence of seven-eighths of the Irish people, both with reference to religious instruction, and to the impartial distribution of the funds at the disposal of the Board, that a Roman Catholic Divine, approved of by the body of Roman Catholic Prelates in Ireland, should be added to the Board of Commissioners."

Motion not seconded.

COMMITTEE OF SUPPLY—MAYNOOTH.] On the proposal to grant 8,928*l.* for defraying the expenses of Maynooth,

Colonel *Percival* regretted that Government had not given the Irish Members an opportunity of expressing an opinion on this vote, by bringing forward the estimates at an earlier period, and he believed that the delay was purposely made; but at that late period of the Session it was useless to take a division against the vote, although if his friends chose to divide they should have his vote.

Viscount *Cole* would certainly divide the House upon the question.

Mr. *Redington* said, that the reason why the inquiry into this grant was not brought forward at an earlier period, did not rest with hon. Members on that (the Ministerial) side of the House; but a want of determination on the part of hon. Members opposite, one of whom, the noble Lord, the Member for Durham, having had a notice on the book for a long time.

Viscount *Castlereagh* believed that the opposition to this vote was daily increasing and he could no longer be a silent instrument in supporting a vote which went to oppose the Established Church.

Viscount *Morpeth* said that as this was an annual skirmish he would not prolong the discussion, but he must say that his only objection to the vote was that it was too scanty. He did not deny that, after they had left Maynooth, the Catholic clergy, like every other class of religious teachers, did take part in politics, but politics did not form part of the system of instruction; on the contrary, he believed that they were carefully kept out of the system.

Mr. *Finch* would regret to see the day when the House should refuse to come to a vote for the support of the education of the Catholic clergy. As a Dissenter he was sure he spoke the language of Dissenters, when he said that they were quite willing to accord to Catholics the right of worshipping their Maker after their own mode, and after their own creed, and if they did this it was but right to grant to a large majority of the Irish nation the means of educating their clergy. If the vote should come forward in another Session he trusted it would be recollected that a portion of the money of all classes, as well in England as in Ireland, was appropriated to professors in the English Universities, whilst a great part of the people of this country was shut out from those Universities by the test established by them.

The House divided: Ayes 53; Noes 9: Majority 44.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Attwood, T.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Callaghan, D.
Donkin, Sir R. S.
Elliot, hon. J. E.
Finch, F.
Grattan, J.
Grey, rt. hon. Sir G.
Hawes, B.
Hector, C. J.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Visct.
Hume, J.
Hutton, R.
Labouchere, rt. hn. H.
Lushington, C.
Lushington, rt. hn. S.
Maule, hon. F.
Morpeth, Viscount
Muskett, G. A.
Norreys, Sir D. J.
O'Connell, M. J.
Pigot, D. R.
Redington, T. N.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Smith, J. A.
Smith, B.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Surrey, Earl of
Troubridge, Sir E. T.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wilde, Mr. Serjeant
Williams, W.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.

O'Ferrall, M.
Gordon, R.

List of the NOES.

Blair, J.
Burroughes, H. N.
Castlereagh, Visct.
Freshfield, J. W.
Grimsditch, T.
Hodgson, R.
Lockhart, A. M.
Palmer, G.
Perceval, Colonel

TELLERS.

Cole, Viscount
Round, J.

The House resumed. The Chairman reported the resolutions of the House, and obtained leave to sit again.

ADMIRALTY COURT.] The Admiralty Court Bill was read a third time on the Motion of Mr. C. Wood.

Mr. *Hume* moved as an amendment to the first clause, that instead of the sum of 4,000*l.* being the salary to be paid to the Judge of the High Court of Admiralty, the sum of 3,000*l.* be inserted. He had the authority of Sir John Nicholl for this proposition, who had declared that 3,000*l.* was an adequate salary.

Mr. *C. Wood* thought, that after the two long discussions, and the two divisions that had taken place in a much fuller House than now, on this question, and which had been carried by a majority of two to one in favour of the larger sum, it was not necessary that he should trouble the House with any observations.

The House divided on the question that 4,000*l.* stand in the Bill: Ayes 47; Noes 16: Majority 31.

List of the AYES.

Adam, Admiral
Anson, hon. Col.
Baring, F. T.
Bowes, J.
Clements, Visct.
Craig, W. G.
Dalmeny, Lord
Donkin, Sir R. S.
Douglas, Sir C. E.
Elliot, hon. J. E.
Ewart, W.
Finch, F.
Gordon, R.
Grattan, J.
Hawes, B.
Hinde, J. H.
Hodges, T. L.
Hoskins, K.
Howick, Viscount
Lowther, J. H.
Macaulay, T. B.
Maule, hon. F.
Morpeth, Viscount
Muskett, G. A.
O'Connell, D.
O'Connell, M. J.
O'Ferrall, R. M.
Palmer, G.
Parker, J.
Pechell, Captain
Perceval, Colonel
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Shaw, rt. hon. F.
Sheil, R. L.
Somerville, Sir W. M.
Stanley, hon. E. J.
Steuart, R.
Stock, Dr.

Troubridge, Sir E. T.
Wilbraham, G.
Wood, G. W.

TELLERS.
Wood, C.
Grey, Sir G.

List of the Noes.

Aglionby, H. A.
Blair, J.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
D'Israeli, B.
Duncombe, T.
Forester, hon. G.
Grimsditch, T.
Hamilton, C. J. B.
Hector, C. J.
Hodgson, R.
Hotham, Lord
Parker, R. T.
Vigors, N. A.
Williams, W.

TELLERS.
Hume, J.
Wallace, R.

Mr. *Hume* moved that a proviso be added to the end of the first clause, enacting that the judge of the Admiralty Court, after the present Parliament, should, during his continuance in office, be incapable of being elected and sitting as a Member of the House of Commons.

Mr. *C. Wood* must again say, that after the full discussion this question had undergone, it was unnecessary for him to say a word upon it.

Mr. *Finch* would support the hon. Member's motion as it did not apply to Dr. Lushington.

Lord *Hotham* said that the proviso of the hon. Member of Kilkenny made no personal application to Dr. Lushington, and he saw no reason why the report of the committee on this subject should not be acted upon.

Captain *Pechell* opposed the proviso on principle, having voted against the hon. Member for Southwark on a similar question.

Mr. *Wallace* should vote for the proviso from sheer and positive principle.

Mr. *O'Connell* said, it was certainly purely a question of principle. There was now no apprehension of the abuse of the prerogative of the Crown; he was therefore exceedingly happy to vote againt the motion of his hon. Friend.

The House divided on the proviso. Ayes 20; Noes 41: Majority 21.

List of the Ayes.

Blair, J.
Broadley, H.
Bruges, W. H. L.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, T.
Ewart, W.
Forester, hon. G.
Grimsditch, T.
Hamilton, C. J. B.
Hawes, B.
Hinde, J. H.
Hodgson, R.
Hotham, Lord
Lowther, J. H.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Vigors, N. A.
Williams, W.

TELLERS.
Hume, J.
Wallace, R.

Bill passed.

Sale of Spirits (Ireland).] The Sale of Spirits (Ireland) Bill was read a third time.

Mr. *O'Connell* moved to add a clause, the object of which was to put the grocers in Ireland in the same condition with respect to the sale of Spirits as they were before the passing of the 6th and 7th of William 4th. By that Act grocers in Ireland were prevented from retailing spirits. The operation of the prohibition had been found most injurious, and had caused a great derangement of capital. Besides this, it had thrown the trade in the sale of spirits into the hands of an inferior and less respectable class of persons. The clause which he had to propose was limited in its operation to those grocers who were in business at the time of the passing of the act to which he had alluded.

Mr. *Shaw* objected to the clause. From the experience which he had in his judicial capacity, he thought it was most important to prevent grocers selling drams of spirits in their shops.

Mr. *Sheil* had two petitions to present, praying that the grocers might be placed in the same situation in Ireland as in Scotland, and would vote for the clause.

Colonel *Perceval* had opposed the bill of last year, and would certainly vote against the clause of the hon. and learned Gentleman.

Mr. *Hume* had presented a most numerously signed petition from Kilkenny, praying for such an alteration in the law as was now proposed, and he would therefore support the introduction of the clause.

The House divided on the question that the clause be brought up. Ayes 36; Noes 9: Majority 27.

The House again divided on the question that the clause be read a second time. Ayes 33; Noes 9: Majority 24.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Baring, F. T.
Craig, W. G.
Douglas, Sir C. E.
Elliot, hon. J. E.
Ewart, W.
Finch, F.
Gordon, R.
Hodges, T. L.
Hoskins, K.
Hume, J.
Lushington, rt. hn. S.
Maule, hon. F.
Morpeth, Viscount
Muskett, G. A.

O'Connell, M. J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rutherfurd, rt. hn. A.
Sheil, R. L.
Stanley, hon. E. J.
Steuart, R.
Stock, Dr.
Vigors, N. A.
Wallace, R.
Wilbraham, G.
Wood, G. W.

TELLERS.

O'Connell, D.
Redington, T. N.

List of the NOES.

Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Forester, hon. G.
Hinde, J. H.
Lowther, J. H.
Palmer, G.
Parker, R. T.
Perceval, Colonel

TELLERS.

Shaw, rt. hon. F.
Hodgson, F.

Clause read a second and third time, and added to the Bill by way of rider.

Bill passed.

HOUSE OF LORDS,

Tuesday, August 6, 1839.

MINUTES.] Bills. Read a first time:—Sale of Spirits (Ireland); Metropolitan Police Courts; Dublin Police; Admiralty Court—Read a second time:—Highway Rates; Soldiers' Pensions.—Read a third time:—Courts for Counties; Prisoners Trial; Real Estates Liability Extension; London City Police.

Petitions presented. By the Duke of Richmond, from Salehurst against the Tithe Commutation Act Amendment Bill; and from Banff, and Aberdeen, for a Uniform Penny Postage.

GOVERNMENT OF IRELAND.] Lord *Brougham*:* If, in addressing your Lordships, I looked only to the paramount—perhaps the unparalleled—importance of the case which I am about to bring under your consideration, as it regards the policy, the welfare, and the constitution of this country, I should feel much less anxiety than I experience at this moment. But I recollect that, unhappily for me, and, perhaps, unfortunately for the question itself, it is one of which the indisputaple importance is even exceeded by the great interest it excites; I mean not merely that natural, legitimate, and unavoidable interest which it must raise amongst the people of the country to which it more particularly relates,—I allude not merely to the interest which it excites among your Lordships, as the guardians of the pure administration of justice, you, yourselves, being supreme judges in a court the most distinguished in all the world, but I am pointing to the personal and the party feelings,—the heats naturally kindled among those who, on the one hand, may suppose that I stand here as the accuser of an individual or of the Government, and amongst those who, on the other hand, may conclude that the parties stand here placed on their personal defence; and, worse than this, I allude, with feelings of a truly painful nature, to that interest which this question is calculated to raise, and which I wish that any effort of mine could lull or delay—I may be supposed to come forward for the purpose of lending myself to personal views, or to party views, and not merely in the discharge of an imperative public duty. But, if the experience which your Lordships have had of me, while practising before you as a minister of justice at your bar, or as presiding, so far as any Peer can preside, over your judicial proceedings in the House,—if the whole tenor of my not short public life of thirty years and upwards (in which I have constantly—it is, perhaps, rather the result of good fortune than arising from any merit of my own, by accident I might perhaps say, without deviation, or change, or shadow of a turning, proceeded in the same course, and been guided steadily by the same uniform principles),—if this gives your Lordships no pledge that I appear on the present occasion only to discharge a public and a great responsible duty, then what further pledge can I give, what more can I say than this? Mark how I, this day, perform the duty which I have undertaken; and then, whosoever of the accusers may be disappointed, or whosoever of those who are on their defence may be chagrined,—whatsoever party feelings may be excited, or whatsoever party objects may be frustrated, by my discharge of public duty,—at least, I shall be able to appeal to your Lordships for my acquittal from the charge of having made myself, on this occasion, what I never did before—an engine of party feeling, or an instrument of personal attack. My Lords, I shall detain you with no further preface: I have only detained you so long, because I thought it absolutely necessary for the question, as well as for myself, to make this appeal. I will, at once, proceed into the heart of this great subject. Rushing into the midst of it, I call upon your Lordships to examine the propositions which I read to you on a former day, and to which

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* From a corrected Report published by Ridgway.

I now ask your assent. The first of them relates to a subject, which, in my opinion, is second in importance to none of the others. If one thing more than another be essential to the due administration of justice in any country, it surely is, that evidence, when it is known to exist, for the conviction of an offender about to be put upon his defence, should be certainly forthcoming when the day of trial arrives, and the guilty not escape for want of witnesses to his crime. In England, and in Ireland, how is this great object of justice effected? In England, as in Ireland, those persons who are known to have the power of giving evidence, are, by the committing magistrates, bound over to prosecute; this is to say, in common parlance, for it is the Crown that prosecutes; but those persons are bound over to give evidence as witnesses for the Crown. In England, generally speaking, there is no difficulty in obtaining individuals, who will not forfeit their recognizances, and who are ready to come forward with their testimony. When they do happen to forfeit, those recognizances are estreated, the penalty which they have incurred by their default is levied, and, if they cannot pay that penalty, they are committed to prison; not formally, not nominally committed to prison,—no; but there they are kept till they give evidence, or till they have been sufficiently punished, by way of an example, to deter others from committing the like offence. This is the corner-stone of the administration of criminal justice in England, and if that stone be loosened, the fabric must be shaken to its base. How is it in Ireland? I may, now, as I come to this point, advert to the evidence. I mean to keep as nearly as possible to the letter of it in my statement; but, though I may have occasion to trespass at some length on your Lordships' time, I intend to trouble you with reading from the evidence as little as possible, probably not above a page or two. I am acquainted with every word of the evidence that refers to this question; if necessary for the support of my argument, I can refer to it; if I hear any dispute in the debate, I will read the examinations in reply; but, in the outset, I shall read as few extracts as possible. We have, however, again and again, throughout the whole mass of this evidence, the most undeniable proof that, in Ireland, the administration of justice is not, in this respect, the same as it is in England. In the former country, indeed, as in the latter, when a man refuses to come forward and give his evidence in a criminal prosecution, the recognizance is estreated, and the form of inflicting the penalty is gone through,—but that exists only in form which in England is substantial. In ninety-nine cases out of a hundred, where there is default, no fine can be levied, because the party is not in circumstances to pay anything; and, then, instead of being imprisoned in such an effectual manner as, by example, to deter others from pursuing the same course, — that happens,' which must needs frustrate all criminal proceedings, —the offender is let out in ten, or twelve, or fifteen days,—the punishment being as nominal as to the estreat; so that, for this paltry suffering, this mere inconvenience, a man escapes the obligation of telling the truth, in execution of the law. And, my Lords in what country, and in what state of society, and in what kind of circumstances is it, that such a bad practice, calculated, on the one hand, to deter a man from volunteering his testimony, and on the other, to seduce him from giving his evidence, has grown up, and now universally prevails? Not in England, where binding over to give evidence is considered as little better than a mere form, where every person, so bound over, would come forward, were he secure from all penalty, and assured that nothing could ensue, from his default; but in a country where there exists every circumstance fitted to deter a witness from coming forward, and every inducement calculated to prevail on him not to appear. The persons whose evidence is desirable, are either the friends of the parties accused, or possibly accomplices, or persons affected by circumstances which grow up in troublous times, and, having been thus connected together, are, in consequence, most likely to have a strong fellow feeling towards criminals accused of certain offences. Such circumstances unavoidably operate to produce a favourable feeling in the minds of the witnesses towards the criminal, and even towards the offence itself with which he is charged; and very little further inducement would altogether prevent them from coming forward to convict. But, then, there is the terror, the personal fear of maltreatment, nay, of death itself, to co-operate with the leaning towards the criminal. All who give evidence know that their lives are not safe, if they perform their duty; and they are taught, by the practice of the courts, and the proceeding, that they may exchange the risk of murder for a fortnight's residence in prison. But, if the circumstances were of a much less extreme nature, if the terror were less, if the risk actually run by witnesses in giving evidence were less, if the accident of friendship, or alliance, or society, on the part of the criminal, were not so powerful to deter or seduce witnesses from their duty to the public, it is quite enough to say that the office of prosecutor, or accuser, or witness against a prisoner, is none of the most agreeable duties which men perform; and, consequently, the law—feeling for human weakness, and knowing the little chance which a mere abstract love for the administration of justice has, in competition with such feelings as personal fear, or good nature, acquaintance with or friendly feeling towards prisoners — the law—seeing the little chance which the mere abstract love of the administration of justice has, in producing the effect of making men accusers, or making them give testimony—does not trust to volunteers; it cannot reckon upon willing testimony, and it compels them to come forward — it obliges them to come forward — it binds them to prosecute — it makes them enter into recognizances, which may force them to give evidence. But in Ireland, where the motives of fear and favour are infinitely more powerful, a rule has grown up which makes the entry into recognizances a merely formal proceeding, and wholly unavailing to its purpose. In making this statement, I think I have laid sufficient ground for the first principle which I have laid down in my propositions. This principle affirms the expediency of rendering that process real and substantial, which, at present, is merely nominal — of making it certain, that, if a witness forfeit his recognizances, he shall suffer the consequences which the law awards, by being imprisoned when he cannot pay the penalty. My Lords, I now approach my second proposition, which, I will say, is to the full as important as the first — more important it cannot well be. It may be suffered, however, in comparing the two propositions together, to make this distinction between them, in fairness to the Irish Government. I bring no complaint against any party for that which I have hitherto been describing; it appears to be a bad practice, which has grown out of a former state of things, and for which no one can be held, strictly speaking, responsible. I should be glad to have the satisisfaction of making the same exculpatory observation with reference to the head of the subject to which I am now about to refer. A high Irish law authority has, to my great astonishment, recorded, in writing, that a certain right of setting aside jurors in criminal cases, which has been acted on in Ireland, never existed in England—whereas the contrary is well known to be the fact. There is not, in this respect—whatever there may be in others—one law for Ireland, and another for England; it is in the power of the Crown to direct individuals who appear as jurors to stand aside without showing cause, until it shall be seen afterwards, that the pannel is exhausted by challenge or non-attendance, and that twelve cannot be obtained. This right, however, is more sparingly used in our proceedings. It was, until lately, the custom in Ireland to set persons aside, who entertained the same party feelings as the persons accused; where for instance, they had attended party meetings, and made violent speeches, taken part with the prisoner, committed themselves to an approval of his offence. For these and other matters of a similar nature, they were desired to stand aside until the legal number of jurors were sworn. But in 1835-6, the then Attorney General (Sir Michael O'Loghlen) gave an instruction with reference to this point, which has been the subject of much animadversion, and is worthy of grave consideration. That learned person assuredly directed the Crown prosecutors not to challenge any person "on account of his religious or political opinions," or, "except in cases in which the juror is connected in some manner with the parties in the case." Now, although no human being is, in a general point of view, more decidedly adverse than I am to making religious or political opinions the ground for an exception to a man, as to his holding an office under the Government, or as to his acting in the capacity of juror—still, I must say that I cannot go the full length of that peremptory exclusion, so strongly expressed in the instruction to which I have referred, and which forbids, in all cases, the right of setting aside on account of religious or polictical opinions; because I can well imagine a political trial, where everything may depend on having a jury altogether clear of party feeling, however clearly the fact may be proved. In such a case let your Lordships suppose one or more persons, on a jury, holding precisely the same violent opinions, and participating in the same feelings as the accused—feelings out of which the offence arose, and connected with which the offence needs must be;—is there not a probability that, however evident the proofs may be, a just result will be frustrated, and the justice of the case defeated, by the composition of the jury? But it appears, from these instructions to which I have referred, that no person is to be set aside except "he be connected, in some manner, with the parties;" so that, even if it should turn out that a person, about to be sworn as a juror, has expressed the strongest political opinions, and used the strongest language, —those opinions and that language being in accordance with the sentiments of the party accused, tending to excite the ferment out of which the crime arose, and thus making him all but an accomplice, —is he to be considered as a fit and proper person to be placed in the jury box, in order to sit in judgment on his fellow offender, because he is not directly connected with him, although deeply implicated in his offence? Sir Michael O'Loghlen, in his evidence, put a construction on these directions, which is altogether about the most marvellous I ever heard of. I examined Sir Michael very fully upon this point. I questioned him for nearly half an hour; and all the members of the committee to whom I have spoken on this subject, agree with me in opinion, that the explanation was very short indeed of being a satisfactory, or even a consistent or an intelligible, statement. He said that "he conceived that a person who bore no relation to the parties, and, consequently, did not come within the grounds of challenge stated in his letter, might still be set aside for other reasons." Now, in his written instructions, he states, distinctly, that jurors should be set aside only for the one reason. I then questioned him as to whether, if a person were grossly ignorant, or incapable of understanding a case, although not at all related to the parties, or liable to strong objection on the ground of his having committed the same offence for which the prisoner was charged, such a person should not be made to stand aside? His reply was, that that case would not come under his instruction; but that such a witness might be set aside. Now, this again, was contrary to the letter of the written instruction. His answer was similar, when questioned as to the case of a man of notoriously bad habits—nay, an accomplice with the prisoner. To that he said, "Oh! I never meant that he should not be made to stand aside." But what construction was put by the Crown prosecutors in Ireland on Sir Michael's instructions? Mr. Kemmis — no novice in office (he has filled the situation of Crown solicitor in Ireland thirty-eight years)—stated, upon his examination, that he should not consider himself justified in setting aside a juror for those reasons which I have just now hastily gone over to your Lordships, being the first that present themselves—rising up, as it were, in judgment against Sir M. O'Loghlen's rule. Thus, it appears that, in so important a matter as the composition of the tribunal, Mr. Attorney General gave his instructions to the Crown Solicitor in such terms, that he put one construction on them, while the Attorney General himself, put another—the person executing the order reading it one way, and the person giving it, another;—in plain terms, that one thing is intended to be directed, and another thing is deliberately done—and done inevitably, because the person acting under orders could not avoid putting on them his own construction. Now, if your Lordships turn to the evidence, not of parties hostile to the Government, but of men who agree with them in politics, you will find an almost uniform concurrence of testimony, to the effect that this system has very much injured the composition, by lowering the character, of juries in Ireland — retaining upon them many publicans, a class of men who are, of necessity, very much under the influence and control of the popular voice. That great class of offenders, designated Ribbandmen, exercise, naturally, a considerable degree of control over the proprietors of public-houses, where their meetings are, almost uniformly held. My noble Friend the chairman of the committee, knows more of the details of this part of the subject than any man. I appeal to him, whether it is possible to expect that publicans serving on juries will dare convict a Ribband offender? My Lords, the observation made by one of the witnesses on this subject, now in the employment of the Crown, is decisive. This witness says:—

> I do not say that publicans are not honest men, and would not be honest jurors; but, in the circumstances in which parties are, they dare not do their duty as honest, upright, and impartial men.

Almost all the other evidence agrees in describing the juries as worse in consequence of the instructions; but to the universality of this testimony there is a remarkable exception — that of Mr. Cahill, who was appointed, in 1836, one of the Crown solicitors. The evidence of this gentleman is such, that, though he may be a very able solicitor, and a very respectable person in private life, still, in his character of witness I have not a very high opinion of him, how well soever he may perform the other duties of society. The reason for my entertaining a higher opinion of Mr. Cahill as a solicitor than as a witness, is founded on the following circumstance. Those noble Lords who attended the committee will not easily forget it. Mr. Cahill seemed to have an impression, from the beginning to the end of his examination, that it was a bad circumstance for those who gave him his appointment that he should have been a member of the General Association — this association being one of a factious nature, aiming at the repeal of the Union, or, at all events, the demolition of the Established Church, and the cessation of the payment of tithes. Mr. Cahill seemed to have heard that a charge had been made against him, and against his patrons, on that ground; and every part of the testimony he gave was tinged with the unpleasant recollection. He was asked,—

> Were you a member of the General Association held at the Corn Exchange a few years ago? I cannot now confine myself to the year; but I never was a member of any association having the repeal of the Union for its object,—for I never supported that.
>
> Were you a member of the last General Association that was held at the Corn Exchange in Dublin?—I think I was a member of that.
>
> Were you a member when you were appointed Crown solicitor?—I am not quite clear that I was ever a member of that association. I cannot state that I was not.
>
> If you were, did you attend its meetings? —I have been present looking on; but I never took any part in those meetings.
>
> Did you attend as a member? Did you enter the room in right of being a member? —I am anxious to know whether I was a member. I am not certain whether I was or not?
>
> Was there any payment on entering the association?—I am certain there was.
>
> Did you make that payment?—I have no recollection. I am not anxious to deny I was, if I was. My impression is, that I was; and I should be happy to state what I recollect, if I could state it positively. I think that I became a member when it was first started, and took no further notice of it.

He was examined for a long hour, in the same way; but we got nothing out of him. Although he had been a member of only one other association—or, at most, two—all his life—he did not recollect the objects of the General Association. He was asked,—

> Have you ever been a member of any other association?—Of the Catholic Association; and, I think, of an association—I forget what it was called—to support the Reform Bill.
>
> Have you any doubt that, at the time you paid a sovereign for admission to that association, you knew what were the declared objects of that association?—I cannot state positively that I ever did pay to the association, nor that I belonged to it; but I am not prepared to state that I did not. I never thought on the subject till the question was put to me. I know I belonged to one or two associations. I may have belonged to that particular one; I am not positive. I am cognizant of the operations of every society, for I read them in the newspapers at the time, though I have not thought of them since.
>
> About what time was it that you left the association?—I do not recollect having ever resigned?
>
> Was it as early as 1834?—If I state the time, I must state that which I do not recollect.
>
> Have you a recollection whether it was one year ago, or ten?—I am quite certain it was not ten.
>
> Are you not certain it was not five? that it was held in 1834?—I am not certain.
>
> The former association you belonged to,— in what year was that?—I remember the Catholic Association was in 1835, I think.
>
> Another association besides that?—I do not recollect the particular date of that.
>
> You were a member of the Catholic Association in 1825?—In 1826, I think, I was a member.
>
> Did you attend the meetings?—I did.

Did you attend frequently?—Very frequently, during the Catholic Association.

Have you any recollection of the first time you went to the meeting of the Catholic Association?—I was present at a meeting of it in 1823; it assembled in a room in Capel Street, and I think there were seven or eight persons present.

What an extraordinary contrast was here presented between the accuracy with which Mr. Cahill remembered a transaction that occurred sixteen years since, and his extreme shortness of memory as to whether he had ever been admitted a member of the Political Association, existing about four years ago, and very near the time when he received his appointment from the Government! Ask him about the recent transactions, he knows nothing; ask him about the remote ones, he is perfect, ready, minute,—can tell the street where the meeting was held, and the numbers that attended. This witness was further examined as follows:—

Do you recollect who it was that first proposed to you to become a member of that association?—No; I do not recollect the fact of being proposed at all, or where I paid, or whether I have ever paid; I think it likely that I may have subscribed to it; I have spoken merely to the likelihood; but I can ascertain the fact.

Will you undertake to swear that you were a member of it at all?—I stated, distinctly, that I would not.

Why do you think you were a member?—That is the impression on my mind; and, except that, I think that I cannot give any reason.

Will you swear you ever attended any of those meetings at all?—I certainly was in the habit of going into the place; I was in the habit of going down and looking on.

What is the last time you recollect being at either of these meetings?—I cannot state.

Though you say you will not swear you did not attend ten times or more, have you any recollection of any one subject you heard discussed there?—I have not, of any particular subject, at any particular time.

Do you mean to abide by that,—that you have been ten times to the meetings, and that you do not recollect any thing which was discussed at the meetings?—I have not stated that I was ten times there; but that I would not swear that I was not.

Will you swear you were once there?—I am sure I was there repeatedly; I know I was.

But, however great the number of times you were there, you cannot recollect any one subject that was discussed at that meeting?—There is not, in my recollection, any particular subject.

Was any thing said about tithes?—Yes, I am certain there was, *now that it is suggested to me.*

Any thing said about abolishing tithes?—Yes.

Have you any doubt that that was one object of the meeting?—*I remember it was.*

Have you any doubt, that, at those meetings, something was said respecting separating from this country, if they could not obtain those objects?—I never heard that spoken of; but that may have been in the declaration. *Now that it is suggested,* I think that that was referred to in it.

It is wonderful what a plastic memory this witness possessed; and how, as if by sudden inspiration, he remembered, at once, when suggested to him, what was, previously, utterly beyond the range of his recollection. He was then asked,—

How long have you held your present appointment?—Since January 1836.

Had you ceased to attend before you got your appointment?—I never did any formal act of secession.

But you have ceased to attend the meetings?—I do not mean to state that I have not been present at a meeting since my appointment; my recollection is that I have.

Do not you know that the association was formed in the year 1836—I do not.

But you will not swear that you ever attended a meeting of this General Association before 1836?—I cannot distinguish what the several meetings were about; there were continually meetings at that Exchange, and I was in the habit of going to those meetings, and I have not a distinct recollection of the several classes of meetings.

In justice to Mr. Cahill, it is fit to add his answer to another question respecting the approbation of the magistrates of the county of his conduct in the discharge of his duty. He was asked,—

Have you on any occasion, received any mark of approbation from the gentry and magistrates of the county, since your official appointment?—I received a vote of thanks from the gentry and magistrates of the county, Lord Donoughmore in the chair, for my activity in bringing the murderers of Cooper and Wayland to justice.

But, in justice to the Government, it is also fit to record their gratitude. This gentleman, whose memory is so treacherous where he might be supposed to know any thing against his patrons, was, formerly, an election agent for Mr. Sheil, and owed his promotion to that gentleman's interest. Having shown the ambiguity of the instructions, as well as their pernicious tendency, I now come to the other part of the second resolution,—that which regards uniformity of practice in respect of challenging. Your Lordships have already seen how the construction put by Sir M. O'Loghlen on his own instructions varies from that of the parties to whom they were addressed. But it appears that, not satisfied with giving orders that meant one thing and said another, the Attorney-General gave different direction to different men. Mr. Tierney, a Crown solicitor like Mr. Kemmis, said, that prisoners always challenge, in order to get low people and publicans on the jury. Not having received Sir M. O'Loghlen's instructions in writing, his course was guided by verbal orders,—and it was a course wholly different from Mr. Kemmis's. "I always challenge illiterate persons," said he; "I had verbal instructions from him, to challenge such persons, and spirit dealers." So it appears that Messrs. Kemmis and Tierney act under directly opposite instructions in this important particular. In May, 1837, Mr. Drummond sent instructions to the different Crown solicitors, that the right to challenge jurors should not, in any way, depend on the political or religious opinions of the parties; and that they should not, in any case, object to a juror, unless he were, in some way, connected with the case, or, for some ascertained cause, was unfit to serve. Now, the grounds were here just, and fairly stated. It is worthy of remark, that Sir M. O'Loghlen, one week after giving the instructions to Mr. Kemmis, gave instructions of a totally different nature to Mr. Hickman, the Crown solicitor for the Connaught Circuit. Was not this carelessness, in a matter so important, most objectionable? The instruction given by Sir M. O'Loghlen to Mr. Hickman was similar, in expression, to that which I have just cited as having been despatched in the circular, by Mr. Drummond, and included the words "unless the juror be, in some way, connected with the case, or, for some ascertained cause, is unfit to serve." Mr. Geale stated, in his evidence, that he had written to Sir Michael before going his circuit; and that Sir Michael, in his reply, "left him to use his own discretion as to persons connected with the case." Now, even if he had said, "Challenge all connected with the case,"—this is wholly different from saying, "Challenge all connected with the party." Then we come to Mr. Perrin, another Attorney General, whose instruction was widely different from his learned successor's and was as follows:—"I wish no man to be set aside by the Crown, against whom there is not a good and substantial objection." This was sound, and rational, and intelligible ground to take; but it no doubt looked plausible, and was probably very agreeable to the feelings of Mr. Attorney-general O'Loghlen, to have the opportunity of telling his own sect and party, "See what I have done; I have tied up the hands of the prosecutors. They can never challenge a man, now, on account of his religion or his politics." Thus, therefore, although the case might be deeply imbued with religion—absolutely steeped in all the rancour of sectarian animosity—though the quarrel might be a political one, and the denial of justice secured by empanelling, in the one case, a sectarian, in the other, a political, jury, notwithstanding this powerful, this decisive argument, it was ordered that no political or religious objection should ever be taken; and the Catholic Attorney-general, the partisan of a well-known faction (Sir M. O'Loghlen), had an opportunity of telling the Catholics and agitators of Ireland, that which Mr. Perrin never had dreamt of telling them, and which had never appeared in any of the instructions to Crown solicitors preceding the regimen of Sir M. O'Loghlen. He, first, and alone, could truly say, "I have excluded from all challenge, Catholics and agitators, who may now pass upon the juries that are to try offences growing out of and connected with ecclesiastical and political feuds." I must apologise to your Lordships for having dwelt so long on these details, the propositions which I have enumerated being almost self-evident; namely, that men bound to perform the duty of giving evidence should be compelled to fulfil their obligations; and that the law officers of the Crown should issue rational, intelligible, precise, and, above all, uniform, instructions. The two last heads of my resolutions are incomparably more important than the subject with which I have last occupied your attention. The first of these relates to the conduct proved, on oath, to have been pursued by the executive Government of Ireland with regard to the sentences of prisoners, and the course adopted in remitting or altering those sentences, in reference to the learned judges by whom they were passed. Whether your Lordships look to the high functions discharged by those learned persons, or to the sacred interests involved in the administration of justice itself, this is a subject of the deepest interest, and of supreme importance. If any man should think that I am now coming on personal ground, I can only say, that if it be absolutely impossible to satisfy your Lordships of the necessity of laying down some rule for guiding the future operations of the executive Government in Ireland, without showing to your Lordships that necessity, by referring to the deviations made from it, and if the inevitable consequence be, that any individual may think himself personally aimed at; I, conscious of not having any such intention, must only appeal to your Lordships for my defence and protection against so utterly unfounded an imputation. Would to God that I could go through my task without even hinting at persons and at personal matters: but your Lordships will take into consideration the absolute necessity of the case, and will ask yourselves, both how it is possible to censure a bad practice without pointing towards the conduct which has sanctioned it by adoption; and, also, how a public duty of paramount obligation can decently be shrunk from, merely because its performance may bring into discussion the conduct of an individual endowed with official powers. Nevertheless, there are feelings which make the discharge of this duty as painful as it is imperative; and the only comfort which I can draw, in my present position, from the case before me, is, that the burden of the blame I am about to cast, does not rest exclusively, nor even especially, upon the Irish Government. They do not stand out alone, or without support; their conduct does not come before your Lordships unsupported, unapproved, even unpraised, by the whole of the Government at home. My complaint is not against the Irish Administration. No charge is made by me at all. But if, in the progress of my examination, any blame springs up,—if, in the course of my statement, any charge comes out,—it is urged, not against any single unprotected individual, but against the strong arm of the executive Government of this country,—a Government responsible for all the acts of their agents, so long as those agents stand unremoved,—a Government always, in law, responsible, but here, in fact, bound up together with their Irish servants; the Ministers in England have, in short, made themselves, regarding these transactions, one and the same with the Castle of Dublin. I will now proceed to this important question; and, passing over, for the present, any remarks upon the power vested in the Crown, of remitting or changing the sentences of prisoners, I will only take leave to state, that this is a high and eminent function, always to be exercised after mature inquiry, and with great deliberation. It should never be forgotten, that the judges, too, stand in an eminently responsible position; that their characters ought not to be lightly assailed, their privileges outraged, their authority set at nought. With respect to them, of all other public functionaries, you have no middle course between at once impeaching or removing them, and, while they continue unremoved, treating them as if they were alike irremoveable and unimpeachable. If there be in this world, one thing more inconsistent with itself, and with all sound principle, than another, it is to retain men upon the bench of justice, and hold them up to the hatred or the contempt of the people among whom they still sit to administer the laws. But I will now proceed to describe, from the evidence, the conduct which has been held towards these judges,—and which fully bears out the terms of my fourth resolution. It appears that a memorandum was made on paper by a clerk under the Irish Government, which memorandum was, by all, supposed to have been made under the authority of the Executive, which memorandum could not have been made, *ex mero motu*, by the clerk, which memorandum has, to this hour, never been disavowed by the Government in any way, but which memorandum, whether authorised or not, was acted upon, and was that which I will now describe. It was to the effect that no case, tried before Lord Chief Justice Doherty,—no case, on the trial of which he presided and pronounced sentence,—when it came to be considered by the executive Government, with a view to remission or commutation, should ever be sent to that learned and reverend judge for his advice upon its result, or for information upon its circumstances. I have, my Lords, administered justice; I have presided over the highest tribunal of the country; I have assisted your Lordships in the most important functions delegated to you by the Crown, and in the supreme judicial powers which you exercise by the constitution of the realm—as a minister of justice, and as a judge, my life has been passed in courts of justice; as a judge, I will still sit on your bench here, and elsewhere; I have known the reverend judges of the present time, and those who preceded them; I believe no man is more intimately acquainted with their various opinions, habits, and feelings, for no man has had more unreserved intercourse with them;—and I protest that I do not know any one of those venerable persons, the heads and administrators of the law of the land, who could have brought himself to believe in the possible existence of such a minute as I have described; nor could all my own experience in judicial or in political affairs have brought my mind to this belief, but for the evidence of the witnesses uncontradicted, and the silence—the expressive silence—of the Government itself. I will venture to add, that if it had been told the English judges that such a document existed, the answer of all of them, in one voice would have been, "Mistake, carelessness, error, misunderstanding, alone, could have given rise to such lines traced on any paper: depend upon it, 't is all wrong; it is a fabric of the imagination, and no such outrageous instruction ever existed; still less, could it have been acted upon by any executive Government." But how stands the fact? Has this been found to be a baseless creation of fancy? It is a reality as substantial as it is sad, as little to be doubted as it is much to be deplored; and, so far from not being acted upon, there were, in the course of two or three years, twenty-seven cases tried before the Lord Chief Justice, over which he presided with conduct unimpeached, upon which he pronounced the sentence of the law; and every one of those twenty-seven cases was referred, not to the Lord Chief Justice, but, as the evidence on oath shows, was submitted, in obedience to the terms of the minute, either to the Attorney-general, the Crown-counsel, the prosecutor's nominee, holding his office during the pleasure of the Crown, or the cases were referred, in nine instances out of ten, to the Crown solicitors, attorneys at law, practising in the Court of the Lord Chief Justice of the Court of Common Pleas, the second common law judge of the land. I will take one of these cases. There had been a trial for abduction, accompanied with rape: the charge of rape was abandoned, but the party was convicted of the abduction, and the sentence next in severity to that of death, namely, transportation for life, was passed upon the offender by the Lord Chief Justice, who found, the next time he went the circuit, that without any previous intimation to him, even of the ultimate result, still less, without any communication before the step was taken, the sentence so passed for so grave an offence had been changed to an imprisonment of twelve months; and he, to this hour, is utterly at a loss to tell on what grounds that change was made, nor can he even now, with all his reflection, imagine any reason for it. So, again, in the case of Mr. Reynolds, a political agitator, convicted of a serious riot before his Lordship and Mr. Baron Smith, an experienced and humane judge, who concurred in the sentence pronounced by the Chief Justice, a sentence of nine months' imprisonment. That sentence may, at first sight, be thought heavy; but it should be borne in mind, that this was not the first instance of Mr. Reynolds having been convicted of a similar aggression against the law and the King's peace. My Lords, shortly after the sentence was pronounced, a letter arrived from the executive Government, stating that the case had been referred to the Attorney General, and that he, for reasons stated, thought a great deal of doubt existed as to whether Mr. Reynolds had not been punished enough; and so, after two months' imprisonment, the other seven months of the sentence—pronounced by both the learned judges who had tried the case—were remitted. But it will be said, and naturally so,—"How did this arise? there must be some motive for this treatment of the judges, and for the extraordinary course which justice and mercy had taken." This brings me to the case of Gahan,—a case well known to the members of the committee, by whom it never can be forgotten,—and which it will, now, be my duty and my care to make known to your Lordships generally. Gahan was tried before Chief Justice Doherty, for having been party to a very gross and outrageous assault. He was indicted, by the mercy of the prosecutor, under the Irish Outrage Act, which provides a sentence of seven years' transportation for the offence,—though he might have been tried under a much more penal statute, and, indeed, for his life. In all my experience, I have never known a worse case. In Ireland it wore an aspect of peculiar aggravation. The assault was upon four policemen. It arose out of no party quarrel,—it originated in no heated passions,—it was a cold-blooded, and it was a deliberate, attack; and it was clearly proved, by the unimpeached and uncontroverted evidence of all the witnesses, to be an attack upon the policemen, especially the sergeant, or commanding officer of the party, in revenge for his having given evidence, in a certain prosecution, which had led to the conviction of the offender. This fact gives the deepest colour to the offence. The crime went to the very roots of the administration of justice—it was an attempt to murder a man, in revenge for his having borne testimony, and to prevent his bearing tesimony again. Why do I say so? why call it murder, when it did not end in death? I do so on account of the injury, which was great. The sergeant's skull was fractured, his arm was dislocated, and two ribs were broken. It was also found that another ruffian leaped upon a second policeman, and with the weight of his body stamped upon him, and put out his shoulder. Am I, then, not justified in calling this a murderous attack? But I am not driven to conjecture the motive of this criminal from the act itself. *Habes confitentem reum.* For one of the ruffians, in encouraging his comrades, was heard to say,—exulting in his success, and after he thought he had disposed of the policeman by murder,—"He is dead now; he will never be a witness again." Another of the wretches had been heard to remind his accomplices of the place where they were to lie in wait for their prey. Therefore, it is that I say, a more aggravated case I never heard of in the whole course of my experience and practice. At the trial, however, an objection was taken, that the policemen were not sober, and might not, therefore, be accurate in their statement of what had taken place; and this doubt as to their sobriety arose from one witness having said there was a smell of whiskey about them: but a medical gentleman proved that the smell of whiskey arose from their wounds having been washed with spirits; and the result proved that the men were quite sober, and had given consistent and credible testimony of the circumstances of the transaction; for the jury, to whose attention this circumstance was fully brought, found the man guilty; and the Chief Justice, having tried the case, and approving entirely of the verdict, sentenced Gahan to the *maximum* of punishment known to the law for such offences, when not prosecuted under Lord Ellenborough's Act,—namely, seven years' transportation. This was at the March assizes; and, towards the end of that month, an application was made by Gahan to the executive Government for mercy. His memorial was considered, and the proper course was taken with respect to it; the learned judge was applied to for his opinion on the case, and for his notes the trial. The notes were furnished by the Chief Justice, who gave his opinion that he saw no reason to doubt the verdict or change the sentence; and the Government, acting on that advice, returned an answer, on the 6th of April, that the law must take its course. On the 16th of April, a second application for mercy was written, and, on the 17th, was received by the executive Government, in the shape of a memorial, not from the prisoner, but from his brother, who, as it chanced, is a Roman Catholic Priest. The memorial was couched in extremely offensive, and even insulting, language towards the learned Chief Justice; and it charged him with corruption and injustice; for it depicted him as a party tool,—"a judge," it said, "of the right sort," and from whom neither the brother of the writer, nor any other in like circumstances, could expect justice. After four days had elapsed,—that is to say, on the 21st of April,—a letter was sent to the Chief Justice by my excellent friend Mr. Drummond. It was written by a clerk, but signed by Mr. Drummond. And here I must observe that, on the whole, it would be much better that such communications should proceed from a higher officer than an unknown clerk, who, though, very possibly, a respectable man, here did that which would not have been done if Mr. Drummond had acted in the matter, himself. This observation, however, applies much more strongly to the letter conveying a reprimand to the Chief Justice,—which ought, if written at all, to have been from the Viceroy himself, or the Chief Secretary. I trust I am not captious in making this remark; I hope I am not led away by habitual reverence for the judicial office, when I assert that they who hold it should be treated with all delicacy and respect, even by those administering the highest functions of the Government. But to return to my narrative. On the 21st of April, Mr. Drummond wrote to the Chief Justice, and called his attention to the case of Gahan—stating that it was to be reconsidered, though not informing the Chief Justice that the memorial from the brother was the ground for its reconsideration. That letter, however, inclosed the offensive memorial. It was sent on the 21st of April; and in a few days afterwards,—namely, on the 27th,—the Chief Justice wrote a letter in answer, stating that he was very much surprised at receiving so slanderous a communication, and still more that it should be made the ground for a reconsideration of the case. He sent it back with his notes; and added that he had deemed it prudent to keep a copy of the paper which had been transmitted to him. I understand that this now forms the ground for a sort of stigma on his Lordship. But it turned out that Mr. Drummond never intended to send the memorial to the Chief Justice; and it was urged in proof of this, that if any such intention had existed, the paper would have borne upon its margin the official note, "Refer to the Chief Justice." As that note did not appear on the margin, the inference now drawn is, that the memorial was not intended to be forwarded to the Chief Justice, but to the priest, with a reprimand for the expressions it contained, and a desire that those expressions should be expunged. There was, indeed, no official note on the margin, "Refer back to the priest," any more than there was a note, "Refer to the Chief Justice." It, however, stands on the statement of the Irish executive Government, that, by mistake, it was sent to the Chief Justice; and it has been sworn in evidence that the intention was, to let the priest have it back, with a reprimand: but this was not done at the time which might have been expected; and, therefore, I think there must be some mistake,—at least, so the dates prove—for the minute of the Lord Lieutenant, referring it back to the priest, was produced, and was dated the 18th of April. It appears that it was sent on the 21st of that month, not to the priest, but to the Chief Justice, who returned it; and then it must, on the 22d, have been sent to the priest,—for the priest answers a letter, which he says, is dated the 22d, and says he has to express, not his contrition to the Chief Justice, but his sorrow for having given the Government any offence. He frankly avows it was his interest not to give offence to them; but he does not say one tittle of being sorry for having so scandalously outraged the Lord Chief Justice by his libel. This, however, either from want of care, or owing to the multiplicity of business, did no strike the Irish executive Government; for this letter of the priest's was afterwards described by the executive Government as having expressed the most humble contrition for the offence offered to the Chief Justice; and it was described by a noble Friend of mine (Lord Morpeth), in another place, as a letter expressing humble contrition. In that place, the letter was not produced, but only the description of its tenour. In the committee we had the letter itself; and it was found to express no contrition, humble or most humble, except to the executive Government. Then, in point of date, came the explanation given to the Chief Justice, that the memorial was never intended to have been sent to him, but to the priest; and though the minute was dated the 18th of April, it was not sent to the priest either on the 18th, or the 19th, or the 20th, or the 21st, nor until the 22nd. Why, then, was there such haste in sending it to the Chief Justice, when four or five days were allowed to elapse before it was sent, as so early directed, they say, to the priest? However, the Chief Justice was bound to believe the statement given in the explanation, and he did believe it. In reply to that explanation, his Lordship said he never objected to their sending him the memorial; on the contrary, he seemed to think, that, if the Government were in the habit of receiving libellous attacks on the judges, it was better to send them to their objects, than keep them concealed. He rather thanked the Government for sending him the document—at all events, of that he did not complain; "But," said the learned judge, "what I do complain of is, that you—the Government—should act on such a letter; and that having decided on the case before the priest wrote the libel upon me, you should make that libel the only ground for a reconsideration of this felon's case." The Chief Justice's complaint, and its grounds, were now, at length, understood by the Government; and then came the minute of the Lord Lieutenant of the 29th of April, stating that the learned judge was mistaken in supposing that the offensive memorial of the priest was the cause of reconsidering the case of the prisoner Gahan, and affirming that the reconsideration of the case was owing to—what do your Lordships suppose? — to verbal communications of persons not named—not alluded to—not described; and never before, in any way, general or specific, so much as hinted at; but, among others, one was named,—the Attorney General himself. I am quite certain that there could be no intention to fabricate this reason, wearing, though it does, the semblance of an after-thought I am sure there could have been no wish to state that which was not true; but I am equally certain, that from some inadvertence,—perhaps in the hurry of business,—an excuse, in point of fact, was made to the Chief Justice, which was totally devoid of foundation in fact, and which is now distinctly and peremptorily negatived by the evidence. I am bound to state this most painful part of the case, how much soever it may cost either others or myself. I entreat the attention of your Lordships while I point out, to demonstration, that the letter of the priest was the cause, and the only cause, of the case being reconsidered. The whole course of the dates would prove this in any court of justice, civil or criminal, where men were accustomed to regard what is proved—not what is asserted by parties on their own behalf. First, there was the letter of the 6th of April, stating that the law must take its course; then came the priest's letter of the 17th; and then, and not till then, was it that the second consideration of the case was determined upon. Next came the minute of the 18th to refer the priest's letter back to him; but which was not so referred until the 22nd, having been sent, in the mean time, by mistake, as is said, to the Chief Justice. Then followed the priest's answer of the 23rd; next, the letter of the Chief Justice of the 27th; and then, for the first time, the statement was made by the minute of the 29th, that other grounds besides the priest's letter existed for a reconsideration; but this was not until two days after the Chief Justice had complained. It was to meet his complaint that this disconnection of the priest's letter and the reconsideration of the case was first made, or attempted to be effected; then came the communication of the 30th of April, from Mr. Drummond, stating to the Chief Justice that the letter had been sent by mistake to him; and lastly, there was the note of the 7th of May, in which Mr. Drummond reprimanded the Chief Justice for having kept a copy of the slanderous memorial — a very venial offence, as I conceive, in a judge so attacked, and who perceives the executive Government so far patient of the attack upon him, as to act upon the representation of its author. But the Attorney General, it seems, was very much staggered at this proceeding on the part of the Chief Justice, and considered it to be a strange and a reprehensible thing for the learned judge to proceed to consult his friends and brethren upon the bench on the matter. He could not comprehend how any judge, when so attacked, should have any wish to defend his judicial character. Why, really, I should think a man would be very stoical indeed, if, when so assailed by libellous memorials to the Government, he did not take some notice of them,—if he did not adopt some precaution against them,—if he did not consult his friends upon them. Chief Justice Doherty did consul with five of the other judges, and they all approved of his conduct. But it was asked of the learned Attorney-General in the committee, whether, if the learned judge had not taken a copy of the libel, the Government would have given him either a copy or the original? "Oh, yes," said Sir Michael O'Loghlen; "no doubt they would. These things are given, as a matter of course, to parties libelled, if they apply for them." Are they, indeed? Then this is the first time I ever heard of such a "course of office." It is to me quite new, that a Government should give up, as of course, and whenever asked for it, either the original or a copy of any letter defamatory of a judge on the bench, or any other functionary, sent to any public department. But I return to the circumstantial evidence which connects the priest's memorial with the Government's reconsideration of his brother's case; and I have to add that the dates of the letters form one ground only for saying that it is absolutely impossible to disconnect the second inquiry with the priest's application. Those dates are not the only ground upon which I raised my conclusion; there is Mr. Drummond's note, and there is Mr. Drummond's evidence,—both of which clearly confirm the view I have taken of the matter. On the 21st of April, "he presents his compliments as stated in page 129 of the evidence) to the Chief Justice of Common Pleas, and begs to send the Lord Lieutenant's minute in reference to a further application in behalf of Joseph Gahan, tried; and to request the Chief Justice will be so good as to send a copy of his Lordship's note of the trial." This minute referred to the priest's memorial, no doubt; it could not, by possibility, refer to anything else: but it was not till the 29th of April that anything was heard of the other verbal communications,—and, above all, of the Attorney General's communications. So much for Mr. Drummond's note, written at the time. His evidence is still stronger, if possible. He is asked,—

> What is the further application here alluded to?

His answer is,—

> The case had been under the consideration of the Chief Justice before, and the Lord Lieutenant had decided that the law should take its course.
>
> There is a letter dated Dublin Castle, the 6th of April, 1836 —"My Lord, with reference to the report of the 30th ult. on the case of Joseph Gahan, prisoner in the gaol of the county of Wicklow, under sentence of transportation, I beg to acquaint you that the law must take its course?"—Yes, that was the letter.
>
> Looking to the note of the 21st of April, to which your attention has been called, what is the further application there alluded to?—The further application was a memorial from the brother of the convict,—I apprehend, a priest.
>
> The committee are to understand that that is the further application to which allusion is made?—I apprehend it is.

So did I, as well as every body else, apprehend. Nobody could apprehend otherwise than that the priest's memorial was acted upon, and occasioned the case to be reconsidered, as the Chief Justice supposed, and as the Lord-lieutenant's minute denied.

Then he is asked, what other verbal communications there were? and he says he knows of none. But I am not left to conjecture, as to whether or not there was some mistake in the minute of the Lord-lieutenant of the 29th of April, which at once puts the reconsideration upon a communication from the Attorney General; because the Attorney General, himself, has been examined to this point, and he not only denies all such verbal communications, but proves that it was impossible for them to have taken place. He is asked,—

> Had you ever been spoken to on the case before the Lord Lieutenant spoke to you?—I do not think I ever had.
>
> Are you quite certain you never volunteered any observations?———

The reason for using the term "volunteered" was, that the minute of the 29th of April implied that proceedings were volunteered by the Attorney General; for it said, "in consequence of verbal communications and suggestions from the Attorney General."

> Are you quite certain that you never volunteered any observations?—Perfectly certain; I never originated any observations, and know nothing about the case, further than having directed Bayly to be prosecuted, until I was spoken to, as I said, by the Lord Lieutenant, or his secretary, or some person connected with the Government.
>
> Do you know any other cause for a second investigation of the case, except priest Gahan's memorial?—I do not know any other cause for a second investigation, except what I perceive from perusing the minutes of the Lord Lieutenant to-day and yesterday—that the Lord Lieutenant had a recollection of Judge Moor's previous report upon Connors's case.
>
> Did you know anything of Judge Moore's report, except by its being communicated to you by Government?—Never; I never heard of it till the papers came to me.

And it appears that Judge Moore did not make his report until the 11th of May, the reference to the Lord-lieutenant having been made on the 18th of April. So then, it was impossible that the reconsideration of Gahan's case could have been owing to any communications from the Attorney General; he declared that he never made any, nay, more, could not make any, for he knew nothing of the subject. But after all this, which made the matter quite clear, came a vague and deceptive answer, obtained not very fairly, from Mr. Drummond, who was asked a question which was calculated to deceive a cursory observer, though assuredly not one who understood the case. Mr. Drummond, who knew nothing about the Attorney General at all, or the communications said to have been made by him,—was asked, by way of salving over the wounds made in the other parts of the evidence by the dates and facts given in that evidence,

Had any communication been made to to the Lord-lieutenant respecting the reconsideration of this case of Gahan, after the 6th of April?—I do not remember that.

Upon a review of the whole of the case involving the commutation of Gahan's sentence, would you say that the Lord-lieutenant had acted upon the report of the Attorney General, or upon the memorial in favour of Gahan, sent in by his brother, the priest?

But, then, the question was not as to the ultimate decision, to which, alone, this measure refers; for here the words "had acted" must be particularly observed, because, on the 29th of April, the Lord-lieutenant had not commuted the sentence at all; that did not take place until six weeks afterwards. But the "acting" alluded to in the previous questions, on which the whole dispute turns, was the sending for the judge's notes, in order to a reconsideration of the case; the re-opening of the question already decided; and the re-opening it upon the insolent, offensive, and slanderous letter of the priest, the brother of the convict. The answer was—"That he acted upon the report of the Attorney-general, of course." But does not any one see that the drift of that question and answer would be, to lead the mind of an inattentive observer away from the fact, that the decision, as to reconsidering the case, was not founded upon the Attorney-general's representations? The Lord-lieutenant says, in defending himself against the Chief Justice's complaint, that the priest's memorial had occasioned the reconsideration of the felon's case. "We acted on the Attorney-general's suggestion, not on the priest's memorial." The Attorney-general says, "That is quite impossible, for I never made any suggestion at all." Mr. Drummond says, "That is impossible; the priest's memorial was the thing acted on." But, then, an insidious question is put, in order to confound this plain matter; and because the answer is, that, in commuting the sentence, not in reconsidering the case, the Attorney-general's opinion was taken and acted on; therefore an attempt—a desperate attempt—is made to confound the two stages of the transaction,—the beginning with the end, the act of reconsidering with the act of deciding on that reconsideration, and so to make the statement in the Lord-lieutenant's minute wear—falsely wear—the colour of fact. The real fact is, and no one can affect to doubt it, that he had acted in the spirit, and according to the letter of that strange memorial which came from the priest. The Chief Justice remained of his former opinion: he had sent for the notes of the case, and re-examined them, but he was only confirmed in his opinion. Yet, in the teeth of the deliberate opinion of the judge,—in the teeth of the previous declaration, "Let the law take its course,"—and in despite of all that had since passed, showing that there was no ground for a change of opinion, but that the judge was right in repeating his deliberate advice in favour of the law taking its course against this atrocious criminal,—an appeal was made from that judge, from the Lord Chief Justice, who tried the case,—who had seen and heard the witnesses,—who had sifted the evidence of the witnesses,—who had seen the jury and charged the jury,—who had approved of their verdict—who had deliberated on the sentence he pronounced,—who had twice over considered it, and twice over deliberately come to the same decision,—an appeal was made from this judge, who was cognizant of the facts, who recollected the jury and the witnesses, and whose mind was imbued with the whole particulars of the case, whose authority was paramount to dispose of the case,—from that reverend judge, who was the most able to decide aright, and who had repeatedly reconsidered the case, and decided thereon in the same way as at first,—from him was an appeal made to Mr. Attorney-general, of the same sect with the priest, the author of instructions respecting religious and political opinions upon trials, the individual who gave the evidence to which I have adverted already, who construed his own instructions so differently to one and another of his subalterns,—to him who had seen no witnesses,—who had seen no jurors,—who had heard no arguments,—who had given no consideration to the case,—and whom all the evidence convicts, and more than convicts, of an utter and hopeless ignorance of all the particulars,—to him was the appeal made,—from the knowing, the qualified, the capable, to the disqualified and the ignorant was the appeal made; and, as might well be expected, a decision was given, utterly and absolutely wrong. I affirm it to be glaringly, and without any dispute, wrong. I will go further; let any twelve lawyers of Westminster Hall—any twelve jurors in the country—any twelve men who never served as jurors, and knew nothing of the practice of the law—have the case laid before them; and if any one of those, understanding this case, has a shadow of a doubt remaining on his mind upon reading the evidence—ay, reading the evidence of Sir Michael O'Loghlen himself,—I go not beyond his own evidence,—and I say, if any one being, who can read and understand it, has the shadow of a doubt on his mind that, up to this hour, Sir Michael does not understand a tittle of the case,—either cannot, or will not, I do not care which,—but, at any rate, does not understand the case,—if any one of those twelve lawyers, or laymen, or jurors, or non-jurors, will say, he has any doubt that Sir Michael O'Loghlen does not, even now, after all his examinations, understand the case; then I will say, that I do not understand the case, that Lord Chief Justice Doherty does not understand it, and that all the noble Lords who served upon the committee are plunged into the same hopeless incapacity to comprehend one of the plainest cases that I have ever seen in the course of nearly forty years' professional experience. To go through the details would be quite superfluous; but with these I am, of course, ready; and if I shall see any attempt to set the opinion of the Attorney-general against that of the Lord Chief Justice, in this case of Gahan, I pledge myself to demonstrate, although the ignorant man has reversed the judgment of the man acquainted with the case, that Gahan ought not to have been set free. But he was allowed to go free, though he was one of the greatest criminals that ever disgraced humanity, for his intention was to commit murder—he had laid a plan to commit murder—he thought he had committed murder—he gloried in having, as he believed, effected his diabolical purpose, and boasted that he was a murderer. Such a man was allowed to go free. The Attorney-general, who was ignorant of his case, reported in his favour, on the ground that, a year before, Judge Moore tried another party, named Connors, connected with the same outrage,—there being a doubt in that case whether the policemen were sober or not. But the jury, notwithstanding that doubtful circumstance, returned a verdict of guilty. The judge was so far satisfied of the prisoner's guilt, that he pronounced upon him the *maximum* of punishment which the law allows; and no application was made by him to the Government to alter the sentence, nor was there any change of opinion intimated, nor was there any hint that he doubted, until the Government applied to him, in consequence of a memorial on behalf of the prisoner from a county Member. Then it was that he doubted for the first time, and reported to the effect that a question existed about the identity of the man; which, in plain English, if it meant anything, was a doubt of his guilt,—and, in fact, was an acquittal. But, then, because he had this doubt, what was the *non sequitur?* A free pardon to Connors, who was not guilty, but who was mistaken for another man? No; but that he should be imprisoned for twelve calendar months! Because he did not commit the offence, therefore he must be imprisoned for twelve calendar months—the greatest punishment which, till a few years ago, the law awarded for the worst manslaughter! I leave your Lordships to determine whether or not much weight is ascribable to the opinion of a learned judge who comes to such conclusions. But if his mind be smitten with some strange want of apprehension, his malady seems to have been contagious; it extended to the Irish Government. There was a person, a Catholic, named Comyn, tried before Chief Justice Doherty, for stabbing a Protestant; he was found guilty, and sentenced to seven years' transportation. An application was made to the then Lord-lieutenant (Lord Haddington), who decided that the law must take its course. It appeared that an *alibi* was set up at the trial, but the Lord Chief Justice left the case to the jury, as, indeed, it would have been left, whether an attempt to prove an *alibi* had been made or not. But the remark of the late Baron Graham, that "an *alibi* oftentimes turns out an *ibi*," was here verified; because the evidence brought the offender into immediate juxtaposition with the very place, time, and circumstances of the offence. The jury saw no *alibi* at all; but they saw that the attempted *alibi* only proved the case. They returned a verdict of guilty, and Chief

Justice Doherty sentenced the prisoner to seven years' transportation. A second application was made to the Government, now administered by Lord Normanby; and it was stated, in a letter from the Under Secretary to the judge, that his Excellency, having maturely considered all the evidence on the judge's notes, arrived at the conclusion, that, had he been one of the jury, which he was not, and, probably, never had been on a jury in his life, he would have believed in the *alibi* of the prisoner, and would have acquitted him altogether. Therefore, it was not unreasonable to expect that his Excellency should come to the conclusion that the man should be set free. But did he? No. His Excellency, after the manner of Judge Moore, added, that, because he believed the man not guilty, therefore he directed him to be imprisoned for twelve calendar months. So that, in Ireland, one man is imprisoned for twelve calendar months, because it is not proved that he, rather than some other man unknown, committed the offence charged against him; and the other, because he is proved to have been absent from the place at the time the offence was committed. This, I surely do think, is the strangest manner of administering criminal justice that any human being ever heard of in this world. But though the Lord-lieutenant falls into Judge Moore's inconceivable error in Comyn's case, he sees the absurdity in Connors's, and sets him free. My Lords, let us now consider the difference in the conduct of Sir Michael O'Loghlen, with respect to the case of Gahan, and that of Mr. Slye. The Attorney-general said, that nothing could have induced him to put Gahan on his trial after Connors's liberation; and now let your Lordships follow me for a few moments, that you may see the very different mode in which Slye was treated. A certain priest, Walsh, it was stated, had fallen from his horse, while gallopping along on his way from a market, and was found dead; and what was the result? He was a Roman Catholic priest: and forthwith a cry was raised that he was a murdered man—it was impossible that he could have died a natural death. No evidence, however, for a long time, could be obtained that Walsh had been murdered; but at last the Roman Catholic priests took an active part in the matter, and a clamour was raised that Mr. Slye, a gentleman farmer, and a Protestant, had murdered the priest. Mr. Slye, beside being a Protestant, had made himself rather active, politically, in his county. A gentleman of the bar—a Queen's counsel—was sent down to investigate the case, and to collect evidence. Ann Rooney was brought forward, and swore, in the most positive terms, that she saw the priest murdered; but that evidence was positively contradicted: and it was proved, beyond the possibility of doubt, that she could not have seen the priest murdered, because she was, herself, confined in gaol at the time when she declared that she saw Slye murder Walsh. But was Slye let off? No such thing! If I had been the Attorney-general—if I had instituted these proceedings against Slye—if I had placed Rooney in the position of being examined before a magistrate—and if I had seen her evidence thus disproved—I should have opened my ears very reluctantly to any witness of a similar stamp, who came to tell a story so direct as to carry along with it the strong marks of improbability. But Sir M. O'Loghlen produced, or at least received—I will not say welcomed—another witness of the same stamp. Thomas Corregan swore he had heard Slye confess that he had murdered the priest. There was, of course, no improbability in that statement—no reason to doubt that Slye had confessed himself, in the hearing of a witness, guilty of this murder! Such was the very improbable story of Corregan. But was it disbelieved? Was it refused to be acted upon by Sir M. O'Loghlen, who would have declined to try Gahan because Connors had been half acquitted? No such thing. The Attorney-general was still desirous of putting Slye on his trial, though not on the evidence of Rooney, or of Corregan, nor even on the report of Mr. Tickell. He sent for Corregan to examine him, as one of his subalterns, Seed, swears, and as he himself says, to have him examined at Dublin; and what was the result of that examination? Sir M. O'Loghlen said, "Let us get, if possible, other evidence to produce against him." Very proper, and very just. Still, Slye was put upon his trial: Corregan was produced as a witness, and other witnesses were brought forward whom they did not dare to examine, or even to show; and yet all the world knew, beforehand, that Corregan, the only witness, whom he did produce, was not to be relied on. And why do I say, that the Attorney-general showed a want of confidence in the evidence of Corregan? In the first place, he must have doubted the story put forward by Corregan, that he had heard Slye confess the murder of Walsh; and, in the second place, from his second examination of Corregan, he must have been persuaded that he was not to be trusted, because he said that he wanted other evidence. But that is not all; he had actually sent down a short-hand writer to take Corregan's evidence on the trial, because it was expected that Corregan would perjure himself, and he wanted to be provided with evidence to convict him of perjury. They tried Slye on the evidence of this man; they relied on his evidence, and Slye was acquitted, because the witness was guilty of the grossest prevarication. A witness was produced, who, it was allowed, was not to be trusted—who was expected to perjure himself—and whom the Attorney-general so much doubted, as to send a short-hand writer in order to obtain evidence to convict him of the perjury which he expected him to commit. No wonder that the Attorney-general distrusted Corregan. It was proved that he had gone to a police officer, named Patterson, and tampered with that officer to correct his day returns; because those returns would have proved that Corregan was in the barracks at the time he swears to hearing Slye's confession. Patterson refused to alter his returns; and what was the result? He was dismissed from his office. Patterson presented a memorial, asking to be tried, and desiring to know the reason which led to his dismissal. No trial, no explanation, was, however, granted; even though the magistrates under whom he acted approved of his conduct, and strongly recommended his memorial for consideration. I do trust, that some account of this extremely strange dismissal will now be given. All that we know at present is, that a man has lost his place and his bread, because he refused to be a party to suborn the perjury plotted for destroying an innocent man under colour of law. There might have been some just reason for the dismissal of Patterson not connected with this subject, but the case certainly requires explanation; and even although sufficient reason could be shown for that dismissal, the case of Slye would not be affected by it in the smallest degree. Strong recommendations were made to Mr. Maloney, not to put Slye upon his trial on the evidence of Corregan but that gentleman persisted, saying, that his orders from the Attorney-general were peremptory. Compare his evidence with Captain Vignolle's, read his second examination especially, and there can, on this, be no kind of doubt. Nor was it to be wondered at that those recommendations were made. Patterson's statement in regard to Corregan had become known; and so suspected was Corregan of an intention to commit perjury, that the Attorney-general (wisely, as it proved) resorted to a step which no English counsel would have dared to adopt—that of seeing privately the witness he meant to call according to Seed's evidence, that of making another king's counsel see the witness, according to his own account. But it is also found that he sent a short hand writer, in order that he might have evidence to convict his own witness of perjury. Yet under such circumstances, the Attorney-general allowed the case against Slye to go on; and what was the result? Slye was acquitted. I need hardly add, that there was not a tittle of evidence, that could be relied on, to convict him. In the justice of that acquittal I fully concur, as all men must. It is now generally acknowledged that the verdict, so much attacked, at first, by the priests and their mob, was a proper one, and the only one that could have been given. Even the Roman Catholics, once so vehemently excited against it, and against Slye, are now convinced that the case against Slye, was a fabrication from beginning to end. But, although Slye was thus justly acquitted, what became of the witnesses who were produced on his trial? They failed to convict Slye; but Slye did not fail in convicting them. Ann Rooney and Corregan were put upon their trial for perjury; and in connection with that trial, there is a circumstance which may be worthy of your Lordships' attention. Was the charge of perjury laid upon the informations which had been sworn by these infamous persons? No; by a somewhat suspicious fatality, those informations were not to be found at the time of the trial. They had, it was said, been taken from the office of the Crown solicitor, and it was believed, by the friends of the parties charged with perjury, because the Crown solicitor's office had been besieged by the priests during

Slye's trial, and before it, and the informations had never appeared till the appointment of your Lordships' Committee, when it was stated that they had been found one day by one of the clerks. Those informations, then, were not produced at the trial; and Corregan was not, in consequence, tried on the evidence contained in them, but on the evidence of the short-hand writer's notes, who had, with a provident caution, suited to his knowledge of his witnesses' character, been sent down by the Attorney-general. This perjured murderer—for he was nothing else, who attempted to swear away the life of an innocent man—was tried on those notes, which were made by the precaution of the Attorney-general. Rooney and Corregan were both convicted of perjury, and were sentenced to be transported for life. Such is the case of Slye—such is the difference between the treatment, by the Attorney-general, of Gahan, and of Slye. When I consider the conduct of the Chief Justice, and compare it with the conduct of Sir M. O'Loghlen, I can have no hesitation in concluding as to who acted with most propriety, and with the greatest regard for justice. I hold it to be clear that the proper course to be taken in applications for mercy is, to consider maturely, and to weigh calmly, the whole circumstances of the case; and I will say, also, that the case should be considered with all the aids and with all the lights which can possibly be obtained, in order to arrive at a sound determination. I am of opinion, that all such applications should be considered with the assistance, the invaluable assistance, of the judge who tried the case. The judge has seen the criminal — he has examined the case — he has seen the jury — and, above all, he has seen the witnesses, —and if any one think that any Attorney-general, any Crown lawyer, or any lawyer whatever, is able to form a better or safer opinion, as to the merits of an application for mercy, than the judge, I may marvel at such a man's confidence, but I cannot envy his soundness of judgment. Again, my Lords, I am clearly of opinion, that to treat a judge as Lord Chief Justice Doherty has been treated, was to make a black mark against his name, to stamp him with a mark of degradation before his fellow-judges; and, before the profession, to declare to every counsel, to every lawyer, to every clerk, and to every apprentice in every attorney's office, that the Chief Justice is not to be treated as if he were one of the King's judges; and that, while allowed to bear about the King's commission as a badge of honour, as a mark of authority, as an emblem of power and of justice, he is all the while to be scorned and reviled as unfit to exercise his high functions, and as unworthy of having any one case which he has tried sent before him for his consideration, when an application for mercy is made. Such treatment of a judge I hold to be most improper, most unwise, most unjustifiable, and most indecent. If the judge erred, if he did wrong, if he be obnoxious to censure, let him be brought to his trial; let him be put on his defence; or let Parliament be called upon to address the Crown, and to ask for his removal; but, as long he is allowed to hold his commission, and to exercise the high functions with which it invests him, it is utterly unjustifiable, whether you consider the sanctity of the law, or the venerable aspect of the representative of justice, to treat him as a criminal, while you suffer him to fill the office of a judge. The administration of the law can sustain no such injury as thus degrading, for some miserable party purpose, the sacred character of its oracles. I now come to that part of the subject which relates to the granting of pardon; and in the observations which I have addressed to your Lordships, I have already, in some degree, anticipated what I have to say on this important head. I have, no doubt, passed over some matters which are perfectly familiar to my noble Friend (Lord Wharncliffe); but I have thought it right to direct your attention towards those matters which bear upon the result, and touch the principle, rather than to any particulars unnecessary to the case. I will now deliver my opinion to your Lordships, as to the high power of granting pardon, vested entirely by our Constitution, in the Sovereign, for the purposes of paramount importance. It is not a power confided to the Sovereign merely for the gratification of feelings, however praiseworthy those feelings may be; much less to be wielded arbitrarily, or under the guidance of personal caprice. When the monarch, clothed with the high functions of his office, exercises this ancient prerogative, he may not, without mature consideration, yield even to the most amiable of his feelings, and allow a love of mercy to overcome a sense of justice. He is to act with a due regard to justice, and to mercy also; but mercy is not to be exercised till the whole facts of the case are ascertained; for the knowledge of all the facts ought, above all, and before all, to preside over the administration of mercy. In truth, the attribute of mercy forms a part, only, of the function of justice; for the law, if executed in all its inflexible rigour, would become odious and intolerable; an occasional mitigation of its awards is, therefore, necessary to its existence. But, it is after due inquiry, it is by regular means, it is in solemn form, that this attribute must be displayed to the people. The throwing open of prisons at coronations, and liberating prisoners confined for small faults, and it is only persons guilty of small faults that ever were liberated on such occasions, and the jubilee pardons of other days, though most of those pardons were granted with the sanction of the Legislature, are practices now obsolete, and which have been expunged from our Constitution and its operations, with other traces of a more barbarous state of society. I know not that I need trouble your Lordships with any authorities to support these positions, or to illustrate the mode in which the prerogative of mercy should be exercised; but, perhaps, it will not be out of place to quote a few opinions of men whose sentiments are entitled to the greatest deference, as the fountains of our jurisprudence, and best expounders of our mixed Constitution. In the first place, I will quote the authority of Staunford, which shows, in the clearest manner, the sense of the law on this subject. Staunford says, that the Sovereign ought to have the power of pardon; but that the power ought to be exercised only when it can be done without violating his coronation oath, by which he swears to administer justice with mercy. The Statute of Northampton also defines what the cases are in which mercy can be exercised. Homicide in self-defence, and homicide by accident are alone specified. The preamble recites the abuses of the prerogative of pardon, and restricts it in future to these cases. Bracton also says that investigation should go before pardon. He observes—

> "Et licet tutius sit reddere rationem misericordiæ quam judicii tamen tutissimum est palpebras ejus ito procedere gressus suos, ut judicium suum nec vacillet per incircumspectionem—nam cum indulget judex insigni delicto, nonne ad prolapsionis contagium provocat universos?"

In the same way, Lord Coke, in his Third Institute, says, that there are three modes of preventing crime, which, he justly adds, is always better than punishing: the first of these is good education; the next, the execution of good laws; and the third, that pardons shall be very rarely granted, and only granted on the reasons assigned, that is, after full and deliberate investigation. Last of all, Mr. Sergeant Hawkins, in his well-known work on the Pleas of the Crown, makes use of these remarkable words:—

> "This is very agreeable to the reason of the law, which seems to have intrusted the King with this high prerogative, upon a special confidence that he will spare only to those whose case, could it have been foreseen, the law itself may be presumed willing to have excepted out of its general rules, which the wit of man cannot possibly make so perfect as to suit any particular case."

Having seen, then, what are the principles which should guide the exercise of this high prerogative, it becomes your Lordships to inquire whether there are not some circumstances connected with the late administration of this prerogative in Ireland, which call on your Lordships, by way of future example, to declare what is the mode in which mercy ought to be administered. It appears, that persons to the amount of 240 were discharged by verbal order, in the course of a progress which his Excellency the Lord-lieutenant made through part of Ireland, in the summer of 1836. The evidence on this point is contained in pages 253, 256, 346, 461, 469, and 905, of the Report. The course of proceeding was this;—his Excellency came to a town, and visited the gaol, attended by the gaoler, and followed by a great concourse of people. He then had the prisoners—or, I should rather say, certain of the prisoners—drawn up, and paraded in the prison; and those prisoners were such as the gaoler chose to recommend for liberation. But there were very often many prisoners left behind, whose cases were not considered at all. This, for instance, was the case in the gaol of Clonmel, where fifty-seven prisoners were discharged, and 200 left in the gaol, without the least inquiry into the circumstances of their conviction. Everything, therefore, depended on the *fiat* of the gaoler. Your Lordships will now observe in what manner the judgment of the gaoler was considered, and to what extent it was reckoned decisive. The gaoler stated that he recommended several prisoners to the Lord-lieutenant for discharge, and that his recommendations were adopted. He stated that the chaplain of the gaol was there, but the gaoler did not know whether the rev. Gentleman was asked if he could recommend a prisoner for discharge, or not. He, however, interposed in one case, and it was lucky that he did so; for it had happened to him to be present at the trial of two of the men who were recommended to be discharged; and it appeared, that they had been found guilty of manslaughter under circumstances very nearly amounting to murder. This the chaplain, whose name was, I believe, Bell, represented to the Lord-lieutenant; and his Excellency, very properly, attending to the representation, the men were not discharged, but remained in prison, and were transported for life, according to their sentence, instead of being set free, in consequence of his Excellency thinking they were well-behaved men, and sufficiently punished. There was another person, named Dee, who was under sentence for an assault, whose discharge was recommended, but who was, nevertheless, not liberated by the Lord-lieutenant. The account which the gaoler gave of it was this, and it serves to illustrate the power and prerogative of gaolers on those occasions:—

> "His Excellency, at the last section of the New House of Correction, turned round and said, 'Now, Mr. Prendergast, if there is any other man you would name, I would discharge him on your recommendation.' I turned round and saw a man of the name of Dee, whom I considered a well-behaved man; he had been about eighteen months in gaol. I mentioned his name, and Ryan stepped up and said, 'My Lord, I beg leave to differ with Mr. Prendergast about him;' and I was so confounded I could not speak, the man came forward in such a way."

Mr. Prendergast was, very naturally, confounded, when he had just been invested with the prerogative of mercy by delegation from the Viceroy, that it should be suddenly, untimely snatched out of his hands, in this way, by an obscure individual, like Ryan.

> "Ryan said, when he was overseer of the works, he had a complaint against the man. I assured his Excellency that I had never heard of it;"

—and, therefore, the offence was not committed, I suppose.

> "Ryan said he had been obliged to punish him; and his Excellency was kind enough to say, if the man continued to behave well a couple of months, he would discharge him. When his Excellency went away, I was so confounded at this man's coming forward, I felt very uneasy. I went to the punishment book, and the man's name never appeared upon it."

The consequence of all this was, that whoever the gaoler recommended—unless somebody happened to be present who thought proper to interfere, like this officious and meddling individual, Ryan, which, of course, very rarely happened—was sure to be discharged. Now, an attempt was made to show, that many of the persons liberated were afterwards recommitted for other and subsequent offences. I will not go into this question. My objection to the whole proceeding lies much deeper. I care not, if every one of the discharged prisoners has, ever since, led an irreproachable life. Nay, I care not if every one of them was altogether deserving of mercy. In this instance, there were fifty-seven persons discharged from the gaol at Clonmel; and, of these, only two appear to have been recommitted. But there is another gaol,—the gaol of Westmeath,—from which nineteen prisoners were discharged; and, out of these, six have beeen recommitted, two of whom have been transported for life. Now, the difference between the proportions of six in nineteen, and two in fifty-seven, only shows how necessary it is to act upon the sound and recognized principle for which I have contended. In Clonmel, nearly all may have been, in some degree, deserving of the clemency extended to them; but, in Westmeath, the proportion of prisoners who were recommitted, shows, that it is extremely unsafe to act upon the recommendations of a gaoler. In the Clonmel case, however, not only was no judge consulted, but the time taken up in the examination of the prisoners was something of the shortest,—to say the least of it. All was done in an hour or two, during the Lord-lieutenant's stay in Clonmel. The time spent by his Excellency in the gaol, has been stated by the witnesses as not more than one hour and a half; of that short space, half an hour was occupied in moving from place to place, and the rest was employed in considering the cases of the prisoners. Less, therefore, than one hour was given to examining fifty-seven cases,—somewhere about one minute for an inquiry into all the circumstances of each case, including the conduct of the individuals. Many of these, too, were very heavy cases. In one instance, the party had been convicted of receiving stolen goods to a considerable amount; in another, manslaughter had been committed: but they were all discharged, because the gaoler said they had been well-behaved in prison. One was sentenced to nineteen months' imprisonment, with nine months' hard labour; the other to a year's imprisonment, and six months' hard labour. But his Excellency acted on the gaoler's statement, that they were well-behaved men. Now, I do not profess to understand this principle. The good behaviour might be a reason for not treating them harshly while in prison, but it is no ground for letting them out of it. The rule for liberating prisoners, confined for crimes under sentence of a court, is this,—and this is the only legitimate ground of granting pardon; either it is found, after the trial, that the conviction was erroneous, from facts not coming to the knowledge of the court and jury which have since been discovered; or it appears that the sentence was too severe, from mitigating circumstances having come out after trial, which, if known at the time, would have lessened the sentence. [The Marquess of *Normanby*.—Persons may also be liberated on the ground of ill health.] Oh, yes! if they are too ill to undergo the punishment, that is a clear ground. In fact, the sentence always contains an implied condition, that the prisoner shall be able to undergo it. These are the just grounds of pardon; and not that the convict has behaved well under his sentence,—much less that a Viceroy has, by mere accident, visited the town where the culprit chances to be undergoing the punishment awarded by the law. I know, that an opinion prevails in some quarters,—an impression, rather, for it merits not to be called an opinion,—that there is all the difference in the world between the course which ought to be pursued in pardoning, and that which is right in convicting,—that we should be slow to convict, and swift to pardon,—that we do no harm at all in rashly and inconsistently rescinding a sentence, though we cannot be too averse to pronounce it; in short, that the pardon being to undo the sentence, the granting it should be regulated by principles the very reverse of those which guided the infliction of the punishment. Nothing can possibly be more thoughtless, more absurd, than this notion. There not only should be the very same deliberation in the act of pardon as in the act of punishing, but the self-same principles which demand it in the one case, equally demand it in the other; nay, if deliberation be not used in rescinding the sentence, a clear confession is made, that the sentence itself was wholly unjustifiable. For, observe, the infliction of punishment has, and can only have, one justification,—the inevitable necessity of the case. We have no kind of right to punish, except that we are compelled to do so by overruling necessity; we do not punish, because we are pleased to do so,—because we choose to do so,—but because we must do so, and cannot help it. If so, what right can we have to remit the sentence—the necessary sentence—the unavoidably necessary sentence? Our remitting it without an equal necessity, at once confesses that there was no necessity for ever passing it —that it might have been avoided; consequently, that to pass it was wholly unjustifiable. This plain consideration shows, to absolute demonstration, that he who rescinds a penal sentence without necessity, admits that it had been pronounced without necessity; and, therefore, that the very same deliberation is necessary before pardoning, which was required before condemning, and is necessary for the same reason. If the judge was right in condemning, he could not avoid it; he was compelled to condemn. If the Crown pardon without sufficient cause, the judge stands condemned, who condemned the offender. A rash and inconsiderate pardon assumes, that the judge rashly and inconsiderately sentenced. This proposition is wholly irresistable; the least reflection proves it at once. But I need hardly resort to principles such as lie nearest the surface of this great argument, for illustrations of the gross absurdity which has been committed. Can there be anything better calculated for holding out a premium to offenders, "*ad prolapsionis contagium universos provocare*," as old Bracton has it, than for criminals to know, that if a Member of Parliament, or an agitator, or a body of men connected with the Government by ties of any description, make an application to the Government on their behalf, they shall, without any consideration of the case at all, receive its favourable consideration? The law loses its authority, —the right arm of justice is paralysed,— and the administration of criminal jurisprudence ceases to be respectable, or even tolerable, if mercy is to flow without deliberate judgment on the part of those who stand by its sacred fountains, and direct the flow of its blessed stream. In all this, I do not mean to say, that anything more than an error in judgment has been committed. I make no harsher charge; it is the "incircumspection," denounced by the lawyer of the Plantagenets, with which I charge the executive Government of Ireland. They who should have deliberated, paused not at all; they who should have judged, deliberated not at all; they who should, themselves, have acted, judged not at all; they delegated to others the prerogative intrusted to themselves; and the appeal was made from a judge and from a jury, not even to an Attorney-general, or a Crown solicitor, but to a gaoler—one of the lowest, though one of the most useful officers of the law. Nor will it be wise to rest the discharge of a prisoner, not on the circumstances of the trial, but on his treatment of the gaoler and his servants, while an inmate of the gaol. It should not be kept out of sight, that the persons who have been most often committed to prison, are oftentimes the best behaved within its walls. The wild bird will flap her wings against the bars, when the tame one, born and bred in slavery, will never touch a wire of her cage with a feather of her pinions. But if the prerogative of mercy is to be not only delegated to an Attorney-general sitting in appeal from the Lord Chief Justice, and to a turnkey sitting in appeal from the Lord Chief Justice,—if it is to depend on the mere precarious accident of a Viceroy going to one town rather than another in the course of his tour,— then, I ask, if justice, of which mercy is a part and an attribute, can be dispensed upon fixed principles, and if the established rules do not more depend on the personal caprice of one man, or the accidental direction given to the course of another? These things, however, have not only been passed over without observation, but there are remarkable passages to show, that they have been sanctioned, approved of, commended, thanked, and adopted by the Government at home. I say nothing of the more recent adoption of them, immediately before this inquiry began,—I say nothing of that judicious, deliberate, calm, legislative act of a grave authority, —the national senate,—the Commons of England and Parliament assembled,— whereby having heard that an inquiry was just instituted, but was not begun,— whereby, having asked for information, and having received information in promise, but before one tittle of it had been produced, much less considered, the Commons, on this express ground, that they had not proceeded to inquire, and that no man living could tell what the results of the inquiry might be,—that grave and venerable body, the representatives of the people of England and Ireland did pronounce, though by a narrow majority, made up of the representatives of Ireland —for, glorying in their shame, they have published their names in their votes—they, the Commons, because the inquiry was pending, in utter ignorance of the facts, for they could not tell, without the gift of prophecy, which they did not affect to possess, what might be the result—pronounced a verdict of acquittal and approval beforehand, deeming it more rational and decorous that judgment should precede trial, that inquiry should follow, not go before, the formation of opinion. Of this marvellous passage in our recent parliamentary history I say nothing. It is unprecedented in the annals of the Plantagenets and the Tudors. But I may in passing express my satisfaction, that the like course has not, as yet, been pursued on other matters, to which it would be just as applicable. Happily the Commons have not as yet drawn over to themselves the decision of any causes in which your Lordships are engaged as supreme judges of appeal from all the courts of the realm. As yet the Commons have not taken possession of any case interesting to their constituents, and passed a vote thereupon, while you were about to hear it argued before you in order to form a deliberate opinion upon its merits. How long it may be before this course shall be taken, and the principle of the astounding vote in April acted upon in cases wholly judicial, as well as in one almost wholly judicial, I cannot pretend to foresee; but this I know full well, that not one tittle of a reason can be conceived, why they should not pass a vote by anticipation in any one cause now pending before your Lordships, if they were right, if they acted rationally, in anticipating the decision of the Irish question, before a single witness had been sworn by you, or a single one of the documents called for by themselves had been produced. Not one distinguishing circumstance can be pointed out in the Auchterarder case, which has flung all Scotland into the most violent excitement, or in Lady Hewley's case, which still agitates the North of England—not one distinction can be drawn between these questions, and the one which the Commons were pleased to decide upon before either you or they had considered it, except only, that England and Scotland feel a deep interest in the one, and Ireland in the other. The act of passing a vote (though, I admit, by a very narrow majority) in the one House, on a case about to be examined by the other—a case which both Houses had resolved to investigate, but which neither had taken one single step to consider, is precisely the same in point of justice, reason, common sense, and common decorum, in the instance which has happened, and in the case only a very little more monstrous—hardly at all more outrageous—which I have put, as no longer beyond the bounds of probability. But it is not that act of the Commons to which I now allude. That branch of the Legislature, at the instigation of the Ministers, without any deliberation, nay, before entering upon the deliberation to which they were pledged by their last preceding vote, pronounced a sentence of sweeping and unqualified approbation of all the acts of the Irish Administration for the last four years. This of itself would, indeed, impose upon your Lordships the necessity of guarding the pure and decent administration of criminal justice against future invasion and corruption by a resolution such as I now propose. But I am now referring to an approval by the sanction of another branch of the Legislature—the Crown. Parliament was dissolved on the 17th of July, 1837. On the 18th of July there was issued a letter, signed by the Secretary of State, addressed to the Lord-lieutenant. The substance of that letter might, from all that appears, have been very well communicated to him by word of mouth; the Lord-lieutenant was in this House on the 11th of July, on the 21st he was at the drawing-room, and he went back to Dublin on the 24th, and he could hardly have returned here, and gone back to Dublin, in the interval. It is clear then, that his Excellency was here when the letter was written, and might have received the contents in an interview or an audience. Notwithstanding, the letter was written on the 18th of July, for, as it is said, *litera scripta manet*; so *litera scripta* is capable of being fixed to walls; and so was it affixed, both in the North of Ireland and the South of Ireland, while the elections were in progress. In the letter, certainly used, most probably intended for election purposes, it was stated, that her Majesty had been pleased to express her entire approval of the Government of the Lord-lieutenant, her desire that his conduct should continue to be guided by the same principles, and her promise to support him in such a course of proceeding. This was a most complete, sweeping, and general approval of all that the Lord-lieutenant had done; and, among other passages of his conduct, it was an approval of all that which is described by the expression of going behind the backs of the judges to deliver the gaols filled by their solemn sentences. It was an approval, also, of his calling on the Attorney-General and the Crown attorneys to sit in judgment on the decisions of the judges;—it was an approval of the delegation of the pardoning power to the gaolers by the Viceroy;—it was an entire sanction and approval of that which was a common part of the Irish Government's conduct,—namely, the delivery of gaols in the manner I have described, through the accident of a Viceroy taking one road rather than another, in his vacation tour of business, of relaxation, or of pleasure. The Ministers, therefore, are now the parties whose conduct is in question; and their adoption of the Lord-lieutenant's proceedings not only makes them accomplices in it, but makes your Lordships accessories after the fact, unless you at once record your dissent. There is another reason why your Lordships should express an opinion on this subject,—and it is equally a reason why the expression of that opinion should not be delayed till next Session. Chief Justice Doherty is, while we yet speak, carrying the Queen's commission over Ireland; he is going the circuit, trying indictments, and sentencing criminals. But the black mark remains against his name; he lies under a stigma; he must be washed clean, even if that offence committed against him should not be repeated. He must be vindicated—justice, in his person, insulted, must be vindicated—from past outrage; and all future insult must be prevented. The present Lord-lieutenant must have an intimation given him, that his course be guided by different principles. Your Lordships will recollect that the noble Lord, now Viceroy, declared, in his place, his determination to tread in the steps of his predecessor in office. Therefore, if he be resolved to tread in those steps which carried the late Lord-lieutenant to the Attorney-General in Gahan's case, rather than to the Chief Justice,—in other cases to the Crown solicitor, rather than to the venerable judge that tried the prisoners,—and, in Clonmel, to the gaoler, and even to the turnkey,—it is high time Lord Ebrington should be told that this is not the mode in which the functions of mercy should be dispensed under the law and the constitution of England. These are the grounds on which I have felt it indispensably my duty to bring the case before your Lordships,—presenting it in a shape which would enable you to find the needful remedy for the mischief that has been done. It is absolutely necessary that I should persevere, deeming, as I do, that the highest of all the functions existing in any of the powers in the State,—that the most important of all the offices of the Government, the highest prerogative of the Crown, and the most sacred right of the subject,—is the due administration of justice; and that abuses in any manner of way connected with the administration of justice, are of importance paramount to all other questions; deeming, as I do, that if no steps be taken—and promptly taken—by your Lordships, to express an opinion of the true mode in which the executive Government ought to discharge those exalted duties, you will again and again see mercy exercised, not according to established principles and fixed rules, nor restrained within intelligible limits by a true sense of judicial and responsible discretion, but the mere sport of feelings more or less amiable, weaknesses more or less venial, caprice more or less guilty. Unless, I repeat, some judgment shall be pronounced in this matter by your Lordships, you will again witness scenes like those which Ireland has lately displayed, of the highest prerogative of sovereignty prostituted as an itinerant show—the pardoning power of the Crown used to grace the mere pageant of a Viceroy's progress;—and you will again see, in that pageant, justice and mercy change places and characters;—mercy blind, and justice in tears! If any among your Lordships shall think that it signifies nothing whether witnesses come forward according to the tenour and obligation of their recognizances to give evidence, so that crimes may be punished,—if there be any one who thinks that, in Ireland—(differing in this respect from England), criminals should be left to go free by the default of witnesses who hold back, and for that default only suffer ten days' imprisonment, rather than that murderers should by their testimony be convicted and punished,—that individual will be prepared to vote against the first of these resolutions. If, again, any of your Lordships hold that the most important element in the composition of juries—the right exercised, heretofore, in Ireland, of bidding jurors stand aside for just cause—ought not, in future, to be in existence, or be temperately, discreetly, but fearlessly, exercised for the public service,—if any of your Lordships hold that the connections of offenders, in point of crime, though not of blood, may act as jurors,—that persons who take part in the agitation and conspiracy against the laws, which give rise to the offences, may sit and decide on their brother and perhaps minor offenders,—if, above all, any of your Lordships think that the instructions of the Government to its law agents respecting challenge of jurors need not be clear, intelligible, and uniform, but may safely be confused and various, left to the construction of every individual whose conduct they are meant to guide, liable in different parts of Ireland to different interpretations, and never the same to any two prosecuting agents,—then, whoever of your Lordships think so, will be prepared to vote against my second and third resolutions. If, again, any one of your Lordships be disposed to vote against the fourth resolution, he must be prepared also to say, that the judge should not be consulted in reference to the exercise of the prerogative of mercy, that those who have seen neither witnesses nor jurors nor prisoners at the trial, are the fittest persons to say whether the judge's sentence should or should not be carried into effect; and he must, moreover, be prepared to affirm the monstrous proposition,—this outrage upon all justice, and all consistency, and all decency,—that it is fitting to stigmatise and degrade the office of the judge on account of a political or a personal difference between an individual high in office and the Chief Justice,—that it is proper to leave men clothed in the ermine which they never defiled, while you mark them out for contempt by the acts of Government, and to let criminal justice be administered all over Ireland by men whom you stamp, by your treatment of them, as unfit to judge. Finally, those noble Lords who are ready to vote against the last resolution, must also be ready to say, that mercy is no part of justice, and that it signifies nothing how lavishly, how intemperately, how casually, how accidently, how capriciously it be dispensed; that gaolers who execute the sentences of the courts should sit in judgment upon those sentences; that they know better than the judges how far each culprit is worthy of mercy; and that the exercise of the pardoning power is not a matter of grave and deep deliberation as a solemn act of state, but a thing to be played with at random—a freak to be indulged in caprice—an operation depending on the humour of the hour, the temperament of the individual, the clamour of a mob, or the chance of a journey. I have no fear that any one of these irrational conclusions will be adopted by those whom I now address. If there be any one thing which more than another deserves the anxious attention of this House, above all other tribunals, it is the thing, whatever it may be, that touches the function peculiarly appertaining to this assembly, this supreme judicature—this highest court of justice in the kingdom. Whoever has practised in our courts,—whoever has presided over them, whoever has observed the mode in which the judicial business is carried on, whoever has meditated on the constitution of these realms, as regards its executive, legislative, and judicial branches—must be prepared to say, with me, that of all the branches of our polity, the pure, correct, and inflexible administration of justice is by far the most important. It is this great power, this prodigious clamp, which binds all the parts of our vast social structure together. It is this great solid belt, which guards and strengthens our whole system,—our great pyramid,—formed, as it is, of various and of discrepant materials, in form and size differing from the lowest and broadest to the most exalted and the most narrow. As long as that mighty zone which connects the upper and lower parts, while it strengthens the whole edifice, remains unimpaired, you may well disregard all the perils with which the constitution can be threatened, in what quarter soever its assailants may be found, or against what part they may point their attacks. Let the Crown have all the lust of power that can inflame a tyrant—give it a venal House of Lords—give it an obsequious House of Commons—give it a corrupt court, and a people dead to the love of freedom—from the King's court at Windsor I will appeal to the King's courts at Westminster; thither I will flee for safety to the remains of liberty—and, in the sacred temple of justice, I shall find the impenetrable *palladium* of the constitution. Or let the danger come from another quarter. Let there be a vacillating House of Commons—a Parliament in which the people's representatives know not their own minds, dare not declare any firm or fixed opinion, but mutter resolutions which they cannot articulate—voting, now this way, by a narrow majority, and now that, by no larger a balance, let the force of the constitution, thus neutralised in the one House, be concentrated in the other, so that the Lords shall seem to rule the whole, the mixed monarchy to be gone, the balance long vaunted to be at length destroyed, and an aristocracy to be all but planted in its stead,—still against the corruptions of oligarchy and the insolence of patrician domination, I seek for shelter to liberty and protection to right, in the impregnable bulwark of judicial power. Or, again—if the danger should threaten from another quarter,—the quarter whence, certainly, it is the least to be dreaded—if the pressure should come from the swelling, and loosening, and cracking of the foundations—if the "fierce democratie" should wield unsafely its powers—if the outrages of popular violence should assail the fabric,—to its wild waves I will oppose the judicial system as a rock against which the surge may dash—and dash in vain. Of that judicial system, the assembly which I now address is emphatically the guardian; with that administration of justice, this House is eminently, and in the last resort, entrusted by the constitution; and to you, therefore, my Lords, it is, that I now earnestly make my solemn appeal. In all the difficulties of our country, in all her perils, she looks to you with the best hopes for preserving the judicial constitution by which she may surely be saved. As often as any attempts can be perceived to break down this barrier, the growth of ages—attempts slowly and gradually made, and it may be, made without evil design—for, in the present instance, I impute no bad intention, nor anything more than indiscretion, or excess of feelings in themselves harmless, nor do I even suspect any unkindly or unamiable disposition—still the inroad must be resisted in the outset, and a solemn authoritative declaration from your Lordships must loudly promulgate the sacred principles which have been violated, and sternly warn against a repetition of the fault. Wherefore it is, that I have deemed it my duty to press upon you the adoption of the resolutions which I now submit to your calm and deliberate consideration; and, on behalf of the British constitution,—bound up, as it is, in the pure administration of justice,—I implore your Lordships, this night, to pronounce upon them your decision of affirmance. I move—

"That, when persons bound over to give evidence in any prosecution shall not appear, or shall refuse to be sworn, it is necessary, for the due administration of criminal justice, that not only their recognizances should be estreated, and the penalty be levied upon them, but, in case they shall not pay the same, that they should suffer such imprisonment as may compel them afterwards to give evidence, or may operate, by way of example, to deter others from failing in like manner.

"That it does not appear expedient, with a view to the due administration of criminal justice, that the exercise of the right hitherto possessed by the Crown, in prosecuting cases of felony tried before the courts of Ireland, of desiring persons called as jurors to stand aside, should be confined to the cases of such persons as are relatives of the defendant; but that persons connected with the offence charged, by having previously expressed strong opinions on the subject, or persons under the influence of the defendant, and of those who usually take part in his offence, or persons who are notoriously of such life and conversation, or of such ignorance as renders them unfit to perform the duty of jurors, may properly be desired to stand aside until it be found that the full number of twelve, not falling within the above description, do not remain on the panel to try the defendant.

"That it is expedient to give instructions identically the same to the Crown solicitors and counsel conducting prosecutions in the different parts of Ireland, with respect to the general principles by which the exercise of their discretion, in setting aside jurors, shall be guided; and to frame those instructions in a precise and distinct manner, leaving no room for misapprehension of their meaning."

"That it is the duty of the executive Government, when considering any case of conviction had before any of the King's judges, with a view to remitting or commuting the sentence, to apply for information to the judge or judges who tried the case, and to afford such judge or judges an opportunity of giving their opinion on such case, unless circumstances should exist which render any such application impossible, or only possible with an inconvenient delay; but that it is not necessary that the executive Government should be bound to follow the advice, if any, tendered by such judge or judges.

"That the prerogative of pardoning all offenders in the conviction for which private parties are not interested, and other than offences against the Habeas Corpus Act (31 Charles II. c. 2), is a high, indisputable, inalienable prerogative of the Crown; but that it is vested in the Crown for the purpose of aiding in the administration of justice, and is to be exercised so as best to attain that important object; that it ought never to be exercised without full and deliberate inquiry into all the circumstances of each case and each individual; and that its exercise ought to depend on those circumstances; and never, on the accident of the Sovereign, or his representative, happening to visit the place where an offender under sentence may be confined."

The Marquess of *Normanby*, conscious as he was of having been unjustly attacked, and desirous as he was to put himself before their Lordships in that light to which the conscientiousness of his motives and the result of his actions entitled him, felt that he had some claim to their Lordships' consideration. The noble and learned Lord in commencing his speech stated the motives by which he was actuated, and the manner in which he intended to treat the subject; and he certainly could not help alluding, before entering into the general question, to the manner in which the noble and learned Lord had pressed forward his motion. When this committee reported the evidence to the House, the noble and learned Lord immediately gave notice of his intention to bring certain parts of the subject before their Lordships, but the noble and learned Lord afterwards consented to a short postponement. On that occasion the noble and learned Lord distinctly said, that there would be nothing criminating in his subsequent motion. On that day week the noble and learned Lord again stated, that the resolutions he was about to move were such as an opinion might be pronounced upon without having read a word of the evidence. How far, after having heard the able and eloquent speech of the noble and learned Lord, their Lordships would think, that they could come to a vote to-night, without having read not only those parts of the evidence to which the noble and learned Lord had himself called their attention, but also those other branches of the subject which it was necessary for every noble Lord to consider before he pronounced an opinion upon the conduct of others, in affairs spreading over a vast space of time—how far they thought that justice could be done to any one part of the evidence, much less to the whole subject, without having read one word of that evidence, he left it to them to decide. But more than that, when the noble Duke opposite attempted to dissuade the noble and learned Lord, and when the noble Chairman of the committee, and many other noble Lords, pointed out how impossible it was to come to any decision within the interval allowed by the noble and learned Lord, on that appeal being made by the noble Duke, the noble and learned Lord said they should have the resolutions before them on Thursday last, but the Thursday came without any resolutions. It was true they obtained the resolutions on Friday. But his objection was, that five resolutions should be given to the House on Friday only, on which a notice of motion was given for the following Tuesday. How was it possible to write to Dublin for the necessary papers? He felt the immense disadvantage of going into such a subject after it had been treated by the noble and learned Lord with such unrivalled powers of fixing their attention, but at the same time he felt it due to himself and to their Lordships, before entering on the general question, to make this short reference to the circumstances under which the motion had been brought forward. With regard to these resolutions, other noble Lords would address the House who would be much better able than he to express the opinion which they entertained with him in reference to them, and of the objectionable nature of the propositions involved in them. He felt, with reference to one of them, that if the House were to meddle at all with the subject, they should not do so by means of a resolution, but of a bill. Far be it from him to compete with the noble and learned Lord as to the best mode of legislating, but he could not help saying, that this was the very first time he had been made acquainted with an authentic version of the terms of the resolutions; for having come into the House the other night when they were in the course of being read, the noble Lord had promised to give him a correct copy of them, but had failed to do so. With reference to the resolutions relating to the estreating of the recognizances of witnesses, he thought that the noble and learned Lord had hardly sufficiently adverted to the amendment of the law with respect to this subject. In allusion to the other resolutions, the House would feel, that it would only be natural for him to endeavour to hurry over such of them as did not immediately affect him, knowing, as he had before said, that others more competent to speak upon the points of technicality alluded to in them, would follow him. He could not, however, avoid noticing with great regret, and, he must say, with great indignation, the terms in which the noble and learned Lord had spoken of one of the greatest ornaments of the Irish bench, Sir Michael O'Loghlen. For his own part, under no circumstances should he feel himself warranted in saying anything against any learned person in a judicial situation, and certainly not in reference to the other learned person referred to, considering that the difference between them was one which arose out of an official occurrence; and still less should he be disposed to draw a comparison between the two learned individuals alluded to, because he felt, that the comparison would not be such as to justify the noble and learned Lord to speak in the manner in which he had done of a judge who, in every situation which he had held—of Crown prosecutor, at the bar, and then as a baron of the Exchequer, had procured the united good feelings of respect of all political parties. Now, having said so much of Sir M. O'Loghlen as he felt necessary in allusion to a person for whom he had the highest esteem, regard, and respect, he would proceed to the consideration of the allegations of the noble and learned Lord. Cahill, it was said, was the only person who had given testimony as to the successful working of the system of challenging jurors, which had originated under Sir M. O'Loghlen, or rather which had, more properly speaking, originated under Mr. Justice

Perrin, who had given instructions similar to those given by the former learned person. Mr. Tickell, however, who was well known to every one who knew the Irish bar, who was a person of considerable eminence and a leader of the home circuit, expressed a similar opinion. There were other persons, however, who also gave evidence to the same effect, as to the general working of the system. He must say, then, that if this was the case of the balance of testimony, it was evident that, under the new system, there was little reason to complain of the judges doing their duties, and it was a matter of great advantage that where convictions did take place, they would do so under a general impression among the people that they were just, and the feeling that juries were packed against them would no longer be entertained. With regard to the resolution as to the instructions which should be given on all the circuits, he had no hesitation in saying that he agreed in principle with the proposition of the noble and learned Lord, but the same principle could not always apply, because the instructions which might be given with reference to particular parties or particular persons, which might be very proper in one case, would not be equally applicable in other instances. He thought, therefore, that as to both these resolutions, the House would not feel that these were matters in which they should interfere with such peremptory directions as they were called upon to give. As to the fourth resolution, that the plan of proceeding there pointed out, was one which should generally be pursued, he did not in the slightest degree dispute. It had been his practice to follow that plan, he would not only say in the majority of cases, but in all the cases in which he could. He felt, however, that the positive adoption by this House of such a resolution as was proposed, involving, as it did, the necessity of applying to the judges, was opposed to the constitutional principle, and that no two things ought to be so distinct as the authority to sentence, and that by which pardon could be granted. The noble and learned Lord, however, had said, that the judges were passed over, and were treated with disrespect; but this he must distinctly deny, as well as that there had been any feeling of the kind suggested with regard to the learned personage to whom reference had been made. With regard to the other judges, he was sure that the House would see that no improper feeling existed towards them on his part, from the testimony which had been given by one of the judges examined before them —Chief Justice Bushe, as to his treatment of them. He mentioned the name of that learned individual as the only one of the judges examined, except Mr. Justice Perrin. As to Mr. Justice Moore, he was at the time at which he quitted the bench, the oldest judge, and had been longer on the bench than any judge in any part of the United Kingdom; had maintained the highest character for probity, integrity, and learning, and there had never been the slightest difference with him as to the nature of those relations which should exist between the executive and the judges. When the noble and learned Lord, therefore, talked of the judges in the plural number, he went rather beyond the fact, for he might have acted under advice which was incorrect, the whole question of differences with the judges confined itself to one between him at the head of the Government and Chief Justice Doherty. As to the case of Maher, he of course could not be expected to go through, and to comment upon the different parts of the evidence. He had had the report of Chief Justice Doherty, and of Sir M. O'Loghlen, and having them, he was compelled to come to a decision upon the subject in one way or the other, and he conceived that the determination at which he arrived was the right one—which was, that Sir M. O'Loghlen's construction of the bearing of the evidence in the first case, and of the conviction of the second case, was such as to justify him in remitting the sentence which had been passed. To turn for a moment to the correspondence which had taken place. The whole of this question between the executive government and Chief Justice Doherty was this, whether the Chief Justice was or was not justified under the circumstances of the case in retaining the copy of the memorial sent to him, and of the Lord-lieutenant's minute upon the subject; and their Lordships must recollect that the Chief Justice not only did this, but also expressed himself in terms which in his situation were not justified. He felt at the time that the Chief Justice did wrong in holding out the threat that he would take some further steps in the matter, more especially when every opportunity had been taken to prove to him that the memorial was never intended to be sent to him. Then, with regard to the other point, which was made in not sending the memorial to the priest, it was sent to the Chief Justice, as he had already stated, and it was that which caused the delay. The noble and learned Lord had alluded to the case of Reynolds, but that was a case which occurred a year ago, and had nothing to do with Chief Justice Doherty. In point of fact, it was referred to him, and it was on his report that his right hon. Friend, the present Master of the Rolls, entertained considerable doubts as to the charge delivered to the jury, as well as in reference to the law of the case. His noble Friend behind him (Lord Plunket) was kind enough to give him his advice upon the subject, and he completely coincided in the opinion expressed by the others; and it was on that decision, and not on the mere reference to Sir Michael O'Loghlen, that the communication was made to Chief Justice Doherty on the subject. He had to apologise, that from the great mass of matter which he had had to look over since Friday last, he had not made himself sufficiently master of Sly's case, to give an explanation of it. His noble Friends who had attended the committee, were probably better acquainted with it than he; but he should be happy to give an explanation on the subject of the conduct of the Government, in reference to it, if he were master of its particulars. With regard to this subject, he would allude to a communication which he had received from a person to whom allusion had been made, and of whom he could not speak but in terms of the most sincere respect—he meant the late Baron Sir W. Smith. A memorial was sent to him for his consideration, in which the word cruelty had been used; but upon a correspondence taking place between them, it was agreed that the word was not intended to convey an offensive meaning, but was only meant to allege that the effect of the punishment inflicted was hard upon the prisoner, and Sir W. Smith fully admitted the justice of this observation. Chief Justice Doherty, however, said in his evidence, that it had never been the custom to commute the sentence passed upon a prisoner without a reference to the judge, but there happened to have been several cases in his own time, when he was Solicitor-General, in which the sentence was commuted without such a reference taking place. Mr. Justice Moore mentioned a case of Patrick Kelly, who had been found guilty of manslaughter, and sentenced to be transported for seven years, but whose sentence was subsequently commuted, without any communication being made to him, the presiding judge at the trial; as well as the case of one Bartholomew Seales, who being tried twice, was found guilty before Baron Pennefather and Mr. Justice Torrens, but subsequently, the information of the approvers being found not to have corresponded with their evidence, the judges recommended that the sentence be remitted, and Chief Justice Doherty and Mr. Baron Joy, who were then the law officers of the Crown, advised against the commutation, and no commutation took place, except in the life of the man being saved, and in his being transported for life. He was sure that the testimony of Mr. Baron Pennefather, had he been examined, would have been in favour of that view which he supported, for he knew, from what Baron Pennefather had said, that he should have had the advantage of his testimony as to all the circumstances which passed between them on this subject, and he could not but remark, that although that learned individual had been summoned to attend the committee, he had not been examined. He could not enter upon the consideration of the fifth resolution without calling to their Lordships' recollection what the circumstances of this case were with regard to time. All the cases which had been brought before the House now, had been under the consideration of Parliament in the year 1837. At a meeting held at the Mansion-house in Dublin, at which a noble Earl who had been alluded to and a noble Earl opposite were present, and at which the latter distinguished himself by tearing to pieces the protest of certain Peers who thought differently from him. [Lord *Brougham:* That was no crime.] He was not going to indict the noble Earl for it, and only referred to the circumstance as an evidence of the strong feelings and of the taste of members of that assembly. But he was going to say, that many other charges were brought against the Government; and in the other House of Parliament, the noble Lord, the Secretary of State for the Home Department, took the first opportunity which was afforded him of declaring the willingness of the Government to meet all the charges, and their opinion that the sooner a parliamentary inquiry was instituted the better. The noble Lord applied to the other House of Parliament upon that occasion, and if any one was disposed to bring forward a charge, it was above all necessary that the House should have been immediately called upon to pronounce an opinion upon it, more especially as he was charged with having substituted oral for written communications, and with having received them upon the spot orally, and not in the castle, upon which he ought to have had the advantage of his recollection upon the subject, so as to be able to show the great care and attention which he had paid to the exercise of the prerogative of mercy. He thought, that when this was called laxity, the committee had not taken the trouble to make due inquiry, and that they had not the proper evidence before them. They had the evidence of four or five gaolers who were disaffected; but in no one instance was the local inspector called. On every occasion on which he had been called upon to explain this subject, he had stated that he had acted principally on the advice of the local inspector; but the only local inspector who was called, happened to be a person who was not present at the time when he visited the gaol, which was most important—he meant the local inspector of Clonmel. With reference to the case of Giles, he must draw the attention of the House to the practice of examining persons upon the subject of private conversations. This was not the only instance of such a course of proceeding having been adopted; but he had hoped that the example held out in the case of Colonel Shaw Kennedy, the confidential officer of the Government, would have sufficiently shown how these inquiries were conducted. To return to Mr. Giles, he thought the lengthened examination which that gentleman underwent had confused him very much, for Mr. Giles's recollection of the conversation that took place between them was very different from his own. In fact, what Mr. Giles said, was perfectly absurd. As to the minute of his which had been referred to, he could say, that it was not till soon after Mr. Giles's hopes of a living were disappointed, that that document got into the hands of a learned Member of the other House of Parliament, who read it in that House. He completely and distinctly denied what had been stated by Mr. Giles. He might be wrong, or he might be right, but he had acted on a principle which he thought would have a most beneficial effect; he had not limited the exercise of the prerogative of mercy to any particular towns, but had acted upon an examination of the facts of the different cases to which mercy was extended. With regard to the case brought forward by the noble Marquess opposite (the Marquess of Westmeath) in July, 1837, at that period he was much better able to go into the details of that case. The noble Marquess, on that occasion, refused, reading at the same time a letter from Mr. Brown, the local inspector, controverting the statement made by the noble Marquess. The noble and learned Lord, who now brought forward these resolutions, on that occasion, alluded to his judicious lenity and desire to appeal to the hearts and better feelings of the people of Ireland, and by such means to make his Government popular. Such being the opinion expressed by the noble and learned Lord in 1837, he should have thought the noble and learned Lord would have been the last person in the world, two years afterwards, to bring forward the motion against him, which the noble and learned Lord had now brought forward with reference to his conduct on that occasion. He must also say, that he was rather surprised that the noble Marquess to whom doubtless was entrusted the selection of the witnesses on this particular part of the subject, had not called Mr. Brown, the local inspector of police, who had given him the information on which he controverted the statements of the noble Marquess. He felt that the principle on which he had acted in Ireland was not applicable in England, where it would be at variance with the customs and habits of the people; but in Ireland the nature of certain offences was such, that clemency, with regard to them, operated most beneficially. The great majority of the offences committed in Ireland arose out of personal conflicts, chance medley and faction fights, waylaying, and assaults not of an aggravated description; the punishment for all of which was much more severe in Ireland than in this country. When he saw a disposition on the part of the people who were pardoned to attend to the admonitions of Government, and when he saw a diminution of offences the result, and of offences of this sort, he thought it judicious to apply a more general system of clemency than could be applied in England. If he saw a thief in gaol, and knew him to be well-conducted while there, he would not, therefore, say that he would not return to his evil habits when he was let loose; but it was, he thought, very different with persons who were imprisoned for being engaged in chance medley or faction fights, and if the disposition of such a man were good in gaol, he thought he might be fairly trusted with liberty. He did think, that this was a very fair experiment to try how far, by such means, he could promote the tranquillity of the country, and encourage kindly feelings amongst different persons in that rank of life. He thought it a most desirable mode of making a strong impression upon the people, and it was with that view, and not from any love of idle pageantry, which any person holding the office of Lord-lieutenant, whatever opinions he possessed, might gratify to the full extent of his wishes; it was not from any such mean, contemptible motive, that he had acted in exercising the prerogative of mercy in the course of his progress in Ireland. His only motive was, that he thought it would make a more durable impression on the minds of the persons towards whom that mercy was extended, if he were himself present on the occasion; and he thought also that the admonitions thus conveyed to them would have a stronger effect. What was the result? The two years that had elapsed proved the success of the experiment. The diminution of offences, and those in particular in which he had exercised the prerogative of mercy, was a proof of the result of what he never professed to be anything but an experiment; and he thought he might plead an arrest of judgment, when, after so long an interval that had elapsed, it was now proposed to pass sentence. If he had exercised the prerogative of mercy in so indiscreet a manner, why did not noble Lords manfully step forward at an earlier period in order to prevent a repetition of the practice? With respect to the effect which the exercise of mercy had had in the county of Tipperary, he would refer to the evidence of Mr. Cahill, the Crown prosecutor, who stated that prior to 1836, that country was disturbed from one end to the other; there were daily fights and riots, houses were repeatedly fired and a number of lives were sacrificed, but that in consequence of the superior administration of justice then introduced, and the disposition thereby created among the people in favour of Government, the number of offences had greatly diminished, and the county was in a state of comparative tranquillity. Mr. Howley, the assistant barrister for the county of Tipperary, gave similar testimony. There were many other gentlemen whose testimony was not at all referred to by the committee, but from whose letters he would read a few extracts. The first person whose testimony he would advance was the rev. John Story, vicar of Cavan and chaplain of the gaol, who said—

"It was by no means without a very strict inquiry into each person's separate case that his Excellency's clemency was extended towards them. At the time that it was notified that the Lord-lieutenant purposed visiting Cavan, and when it was generally known that he had, on visiting other gaols, exercised his prerogative of mercy in mitigating or remitting the sentence upon some of the prisoners, I felt it right, as chaplain of the gaol of Cavan, and in constant attendance thereon, to furnish myself with a list of the names of such persons as, either by palliating circumstances attending their case, or by extraordinary good conduct while in custody, seemed to deserve such favourable consideration; and at the time his Excellency visited the gaol, he inquired most carefully into each man's crime, extent of punishment, and general character. He desired my list to be given to Colonel Yorke, for his own consideration, and so far from indiscriminately attending to every recommendation, he refused to do any thing for some, and did not pardon any who were not strongly recommended to him by those persons who appeared to have the best means of judging in such matters. Of those he did discharge, all but two were on my list; one of them, for larceny, was discharged by the earnest request of the high sheriff; and the other, whose case has been referred to (Maguire), whose offence was declared to have had many palliating circumstances, a petition signed for him by several of the most influential gentlemen of the county, who was at the time of the Lord-lieutenant's visit strongly recommended to his notice by Mr. Saunderson, late Member of the county, and by the high sheriff, besides which Dr. Roe, the county surgeon, gave his opinion that his complaint was likely to endanger his life."

The next evidence he would refer to was that of the rev. Dr. Quarry, who stated—

"That he fully acquiesced in the statements made by the governor of the gaol, of the good conduct while in gaol of the convicts discharged, of which I was myself convinced, and also in the fact of the said prisoners being confined for first offences."

The next evidence he would refer to was that of Mr. Walker of Longford, a local inspector and magistrate, who stated—

"Several applications were made to the Lord-lieutenant by prisoners, which, on reference to the governor, were rejected, and petitions were about to be presented on behalf of seven men under sentence, five for six months, each alternate week hard labour, and two for four months, and some proportion of hard labour. I was aware their applications would be strongly supported by persons present, and I felt it my duty as a magistrate, who had taken a share in the investigation of the outrage they had committed, and also in presiding at their trials, to state to his Excellency the nature of their offence. Upon my doing so, he returned their petitions unopened. Soon after a memorial was forwarded by the friends of the same prisoners, unknown to them, the prayer of which was rejected by his Excellency."

[*A noble Lord:* Why was not this evidence brought before the committee?] Noble Lords opposite should recollect, that both he and the Government had declared, that they did not consider the subject which they were then discussing a legitimate subject of inquiry before a committee, and they had withdrawn from that inquiry altogether; and now, when that House was called upon to pronounce judgment at that distance of time upon transactions in which he had been engaged, he thought, that they were bound in fairness to hear the documents which he had to produce, and which proved that he had not acted without due discrimination, however irksome it be to hear those documents read. The next evidence he would read was that of Sir W. Packe, deputy lieutenant of Sligo who said—

"The anticipations of his Excellency, as relates to Sligo, I am happy to say, have in a great degree been realised, as not one individual released on the occasion has since been accused of any breach of the peace. The comparative lightness of the calendar laid before the judges at the last assizes, the diminution of crime, as will appear by reference to the assistant barristers' record book, at the last quarter sessions, I submit as a reasonable inference, that the clemency of his Excellency towards the prisoners enlarged from Sligo gaol has had the best effect, and has been productive of much public good."

Mr. Price, the local inspector of the city of Kilkenny, also said—

"The Lord-lieutenant, when about leaving the gaol of this city, desired the governor to inform him if there were any prisoners whose term of confinement had nearly expired, and whose conduct was good during the time they were in gaol. The governor recommended three men, his Excellency ordered two whose time of remaining was very short, to be discharged, and the third having four months unexpired, his Excellency desired that he should be kept for two months longer, and that the governor should report at the end of that time if his conduct continued good, which being done, his Excellency sent an order from the castle for his discharge."

Mr. Hurley, local inspector of Kerry said—

"His Excellency expressly desired, that I should return none save those whose conduct, whilst in gaol was strictly correct, and of whose imprisonment one half at least had expired."

The Rev. Mr. Hobson, local inspector of Waterford county, stated as follows:—

"Michael M'Guire, John Power, and Edmund Dwyer, were convicted at the sessions of this city of common assaults, and sentenced to twelve months' imprisonment, of which eight months had expired. They were recommended to his Excellency's favourable consideration, on the grounds that their conduct while in prison had been perfectly correct; that no previous charges appeared against them; and also under an impression, that the imprisonment they had already suffered was not an inadequate punishment for their offence. It is right to add, that the mayor of Waterford, who had presided at the trials of these individuals, was present when they were selected as fit objects for mercy, and joined in recommendation to his Excellency in their behalf."

The local inspector of the town of Galway stated as follows—

"Mark Carr was sentenced to seven years' transportation for an aggravated assault upon a female. In framing the bill of indictment, it was afterwards discovered that there was some omission, some legal technical error of which the prisoner's counsel availed himself, whereupon he was discharged by order of his Excellency the Lord-lieutenant, under the advice and directions of the recorder of Galway. Thomas Hefferman was tried and convicted of Manslaughter, and sentenced to eighteen months' imprisonment and to give bail. At the time his Excellency visited Galway, fifteen months out of the eighteen had expired. I asked permission of his Lordship to present a memorial in Hefferman's favour, which he gave me, as inspector of the gaol, which his Lordship was graciously pleased to allow. Upon reading the said petition, and after visiting the gaol and inquiring into the particulars of the case, his Excellency was pleased to remit the remainder of the sentence, and to direct the mayor and sheriffs to discharge him without an order from the castle, in consideration of the long time he had been already in gaol. Bail was dispensed with on my representing to his Excellency that, if it were required, the prisoner would actually suffer incarceration for life, as he was a total stranger here; and that if he were then discharged, he would leave this country—which he has done."

The local inspector of the county of Meath stated as follows:—

"In doing himself the honour of acknowledging Mr. Drummond's commands, Mr. Hamilton begs permission, in the first instance, to say that he addresses himself to the execution of them not merely as in official duty bound, but prompted by the sincere desire to do justice, not only to his Excellency's clemency, but to the discrimination with which it was exercised on the occasion of his late inspection of Trim gaol. Mr. Hamilton (as will appear from the governor's letter) did not feel himself called upon to trouble his Excellency with any recommendation in addition to those from parties more cognizant of the cases of the prisoners (from the relation in which they stood to them as magistrates, jurors, landlords, neighbours, parish clergymen, or gaol chaplains".)

Testimony to the same effect was given by a nobleman, to whose genuine patriotism and active benevolence, and enlightened mind, his county owed a large debt, and whose name he could not mention without feelings of the deepest regret, he meant the late Lord Clements. That nobleman more than once bore public testimony to the effect, that the exercise of the prerogative in his hands had been productive of the most beneficial results, and had done a great deal to inspire the people of Ireland with confidence in the administration of the laws. Upon all the cases in which he had exercised the prerogative of mercy, he had done so upon communication with those persons who were best calculated to give information as to the nature of the case, and he had framed his course accordingly; and it was gratifying to him to find that the result was that those particular offences in which he interfered had much decreased. He only wished their Lordships to reflect whether, at any former period of her history, Ireland was on the same footing as at present, and whether they were not formerly obliged to apply constantly for legislative coercive measures, in consequence of the unfortunate state of society in that country, whether they had ever been able to apply or maintain English rules or laws in that country, and when he had at length endeavoured to introduce a new principle, a principle of humanity, whether it was not too hard, after three years had elapsed since the events had occurred, to come forward now in order to cast a censure upon him. He had stated that he would confine himself as much as possible to the subject before him, but he could not help calling the attention of the noble Earl opposite (the Earl of Roden) to the grounds on which he moved for this committee, and to some statements made by the noble Earl on that occasion, statements which it was particularly painful to him to hear from the noble Earl, for the noble Earl had stated that the Government of which he was a Member was responsible for all the tears and blood that had been shed in Ireland, and that although crime existed on former occasions, the Earl of Roden had never known a period when crime existed to such an extent. Now he thought he had read enough from these documents to show that not fifty pages, but six or seven hundred, as stated by the noble and learned Lord, were required to complete the evidence upon this point; and further, that out of the whole mass there was not fifty pages, nor one page which could be found to bear out the statement ventured by the noble Earl opposite. He (the Marquess of Normanby) should very much regret if the result of this committee's inquiries was to bring such a charge home to himself as had been hazarded by the noble Earl. He sincerely trusted that their Lordships, in dealing with this matter, would direct their attention to the whole course and conduct of the Government in Ireland, and to the general results of that policy; he hoped also that their Lordships would look to the increase which had been found requisite to be made in the military force in England, and to the troops which had been withdrawn from Ireland to meet the exigencies of this part of her Majesty's dominions; and with these facts and considerations before them, decide upon the whole question in a manner befitting impartial public men. The county of Clare having been particularly referred to, he begged to cite the evidence of Mr. Tompkins in reply to the complaint that criminal cases could not be successfully prosecuted there for want of evidence. This witness stated that in the course of ten years, there had not been a single homicide committed of which the person guilty had not been detected. In respect to the case of Reynolds, the protestant officer of the coast blockade, who had been murdered, he had been the aggressing party. He broke into the house of a man of the name of Lavelle, at night, attempted to take his life, and lost his own in the scuffle. Those facts were proved on the trial of Lavelle, who was fully acquitted, and the friends of Reynolds admitted that he was justly acquitted. He entered into these particulars, because in that House, as elsewhere, it had been too much the habit to quote cases, without sufficient authority as to the particulars, and because the noble Earl opposite, on a previous occasion, had concluded his speech with an emphatic allusion to the case of Reynolds, accompanied by observations which caused considerable impression upon the House. In conclusion, he had only to observe, that he thought the resolutions moved by the noble and learned Lord would not attain the ends which he himself desired as to the first three; and as to the other two, whatever might be the opinion of their Lordships upon his conduct in the matters referred to, he was glad to observe that there was no imputation made as to his motives. This was in itself a consolation to him, which was enhanced by the actual result which had attended that part of his conduct; for he did not think that the prerogative of mercy could have been exercised so injudiciously as had been alleged, when it appeared by the result that the very offences to which that exercise of mercy was chiefly applied had materially diminished, while very few of the persons he had pardoned had been again committed to prison for fresh offences. On these grounds, therefore, he confidently looked to their Lordships' approval of the course he had pursued; but if that should be denied, still on these grounds he appealed with confidence, to the verdict of his country.

Viscount *Melbourne* should not have risen to address their Lordships at that period of the debate, nor have pressed to be heard before the noble Lord, the Chairman of this Committee (Lord Wharncliffe), were he not aware that he should do just the reverse of what the noble Lord would probably do; for he should occupy their Lordships on this subject but very shortly. The noble Lord had doubtless many remarks and views to explain; for the noble Lord was acquainted with the whole subject; he was wholly ignorant of it. Yes, he was quite ignorant of this subject; it was impossible for him to make himself acquainted in the time with the voluminous matter which had been collected in the course of this enquiry, and therefore it was, that he was not about to detain their Lordships long, and that he should be prevented from calling their Lordships' attention to, and dwelling upon many, of those topics which had been forcibly, and even vehemently, presented to their Lordships by his noble and learned Friend. His noble and learned Friend had been repeatedly asked by various Members of their Lordships' House not to press forward a subject at this period of the Session, on which, as appeared to many of their Lordships, it would only be possible for their Lordships to form an hasty and unsatisfactory decision; but his noble and learned Friend had persisted in bringing on his motion, and, in doing so, had made the injustice of his own conduct and the disregard he feels of deliberation on this subject, sufficiently manifest to their Lordships. His noble and learned Friend had said much on the importance of this subject, and he had explained how nearly it connected itself with feelings of a political and feelings of a personal nature, and his noble and learned Friend had further said, that if his own personal character were not sufficient, or if the long life which he had spent in public affairs would not suffice to shield him from the imputation of party motives, he should not know to what to appeal, unless it were to the manner in which he should discharge this duty which he had imposed upon himself. Now, he (Lord Melbourne) did not know what the appeal of his noble and learned Friend to his own personal character and conduct might do for him with their Lordships, but he did not think that his noble and learned Friend could trust much to the last branch of his alternative—viz., the manner in which his noble and learned Friend brought forward these matters; for a more bitter, a more violent, a more spiteful, a more inveterate, or a more criminatory speech he had never listened to. He said a more criminatory speech, for the speech was criminatory in the highest degree, not only of those who were present, but of those who were not present, whom the noble and learned Lord charged with conduct criminal in every respect and in the highest degree, and with that which amounts to the greatest possible delinquency. His noble and learned Friend had expatiated with all the strength of his eloquence of which he was so much master—on the high interest of this subject, upon its important bearing on various questions, and upon the manner in which it touched on that which is the foundation of society. Well, then, he said, that if their Lordships were to decide a question of this paramount importance, and vast weight, and intimate connexion with the best interests of society, they were bound to decide, not hastily, but calmly—not under the influence of party, but with the coolest and most discreet impartiality. Above all, they were bound not to decide at all, except upon assurance that they had sufficient evidence, and after a full consideration of the whole subject. But when their Lordships found that contained in these resolutions which conveyed the grossest imputations upon persons who had held the highest situations in the Government of the sister kingdom, and who still continued to hold the highest judicial situations there—when their Lordships came to decide upon such grave matters as these, which his noble and learned Friend propounded for their decision, surely they were bound to frame their decision on something more of knowledge, something more of acquaintance with the details and particulars of the subject as given in the evidence before their Lordships' Committee, so that they might be enabled to examine the grounds upon which these imputations were founded, and the real facts on which they stood. He wished, then, to put it shortly and clearly, at that period of the debate, to their Lordships' sense of justice, and he asked whether it were possible to pass these resolutions, involving as they did points of so much importance, (and what could be of more importance than their bearing on the administration of justice in the sister kingdom,) without having more time to examine and digest the voluminous mass of evidence, and to find in what degree that evidence was worthy of credit, as well as what other parties have to say to it, and especially what were the considerations which might be brought forward in abatement, and by way of refutation of that evidence. That evidence, too, as it seemed to him, ought to be taken in combination with his noble and learned Friend, for their Lordships ought to consider that in affirming these resolutions, if such should be the issue of the debate, their Lordships would virtually and to all appearance be affirming, not the resolutions by themselves, but also all the violent and all the criminatory matter which filled the speech of his noble and learned Friend, and on which his resolutions were founded. At least, before they passed the resolutions, they ought to have time to see whether the facts alleged were really established in the evidence before the committee. Let their Lordships look at the resolutions, and see to what they pledged the House. Surely they would not pass the first resolution, with respect to the mode which had been lately introduced in Ireland of striking juries, without having time for some more full enquiry and consideration of the manner in which the new jury system was found to work. He did not mean to give any opinion upon the evidence: he was not master of it; he had not had time to make himself master of it; and he was perfectly certain that their Lordships in general were not fully masters of the mode of acting of the present jury system. As to the resolution which stated, among other things, that the prerogative of mercy ought never to be exercised without full and deliberate inquiry, and due consideration, why it was hardly necessary for their Lordships, at this time of day, to resolve that as an abstract proposition. That resolution must only be resolved as a criminatory proposition. He asserted that it was hardly possible that their Lordships should resolve such a truism as that in any way but as a criminatory proposition. Then with respect to the resolution stating the duty of the executive government to refer to the judges, previous to commuting the sentences of persons on whom judgment had been passed; why, he believed that reference to judges was always made a general rule; it was certainly made so in most governments with which he was acquainted; and he believed that in Ireland the rule was more strictly attended to than had always been the case in England. The only case in which it had been partially relaxed was that of Chief Justice Doherty. So that he thought the resolution was quite unnecessary as a prospective proposition, and that to pass it could be of no use whatever. So he should say of the last of the resolutions. He saw no use in passing it. Upon the whole, he must say that he thought it was perfectly impossible to quarrel with the truth of the propositions embodied in these resolutions, considered as abstract propositions and by themselves. They were perfectly sound, perfectly true, but rather common-place some of them he should say—rather elementary in their principles—and such as it was impossible to say furnished grounds to act upon. He begged leave, therefore, to say, that he should move the previous question on these resolutions. With regard to the language and sentiments of the speech to which their Lordships had listened that evening from his noble and learned Friend, he would say that his noble and learned Friend had spoken with great force, with great beauty, and with great eloquence, but at the same time with great injustice, because, not only had his noble and learned Friend thrown out grave and serious charges against the noble Marquess late at the head of her Majesty's Government in Ireland, but also on the whole of her Majesty's Ministers, by the application of the arguments which his noble and learned Friend had made. The noble and learned Lord had stated that the Government, by the approbation which they had shown of the conduct of the noble Marquess in the government of Ireland, had made themselves responsible for the acts of the noble Marquess while there. Unquestionably they had. But if a general approbation went to form a ground for these attacks, he begged to add one authority more in approbation of the noble Marquess, which he found in the speeches of Henry Lord Brougham, which were published in 1838. He did not know who was the editor of this publication, but whoever he was, he had favoured the world with various able disquisitions on political matters prefixed to the speeches. Among other things, this editor, or whoever he was, gave a slight sketch of the history of one or two lord-lieutenants of Ireland.

> "Lord Wellesley, he said, who nobly signalised his entry into public life as a disciple of Grattan, before the passing of the Catholic emancipation by his brother, rendered himself the more dear to his countrymen during his first lord-lieutenancy, by holding the balance even between conflicting sects, and in his second lord-lieutenancy, by seeing that the fact and the law were made to correspond, and by giving to the Roman Catholics the full share of those advantages to which they had by law become eligible. Lord Anglesey had promised the same liberal and enlightened policy, and now Lord Normanby, 'we feel pleasure,' said the writer, 'in restoring to him the name by which he was earliest known, who is equally distinguished for his conduct in public life, and his talents as a private gentleman and a literary man, is pursuing the same manly and honest policy by which he has most justly endeared himself to the Irish people."

This was in 1838. But he did not quote it for more than it was worth. It contained a pretty strong approbation, however, of the noble Marquess's general Government; quite as strong, he thought, as the letter of Lord J. Russell. It was written, too, a year after. The letter of Lord J. Russell was written in 1837, and the proceedings which were so much condemned took place in 1836. This eloquent passage of the noble and learned Lord's, which spoke of the noble Marquess as having held an equal balance between Catholic and Protestant, was said of a government, of which it was now said by the very same party that the Attorney-General had struck the juries so as to favour the Roman Catholics, that he might have it to say to his sect, "see what I have done for you"—of which it was also said, that they pardoned one man because his brother was a priest, and put another on his trial, with insufficient evidence, because he was a Protestant. Was not the noble and learned Lord as fully aware of the facts when he pronounced the eulogium, as when he gave utterance to the invective? Not having yet had it in his power to make himself master of the evidence in this case, it was impossible for him to go into it in such a manner as would be calculated to make any impression on their Lordships. His only object in rising was to state the course which he meant to pursue, and which he thought their Lordships ought to pursue, in reference to this matter. His noble and learned Friend had concluded his powerful speech with an eloquent and splendid eulogium on the virtue of justice. It undoubtedly was a most brilliant passage, but he thought he had heard some of it before. He alluded particularly to that part where he spoke of a vacillating House of Commons, a venal House of Lords, and a corrupt and ambitious Ministry, and of the power of justice overcoming them all. No doubt these were fine expressions; they put him in mind, however, of Sheridan's celebrated eulogium on the liberty of the press; but they were by no means the worse for that. It certainly was a very splendid and highly eloquent passage; but he could not help thinking at the time that those who talked of the virtue of justice most, sometimes exercised it least; and, accordingly, he was not surprised that the noble and learned Lord who had made this splendid panegyric of the virtue of justice to their Lordships, should be found that night violating all its substantial and essential principles.

Lord *Wharncliffe* remarked, that when the noble Viscount who had just sat down charged his noble and learned Friend with having panegyrized the government of the noble Marquis in 1838, and having now made a speech full of invective against it, there was one thing to be remembered by their Lordships—that his noble and learned Friend could not by possibility have known the facts of the case till he found them detailed in the evidence which had been collected by this committee. He should have been perfectly satisfied to leave this case to the statement of his noble and learned Friend, and the answer supplied to that statement on the part of the Government, but that the noble Marquess, in the course of his speech, had attacked the conduct of the committee, and stated that they had acted unfairly to the Government and to himself personally, and gone into evidence into which they had no right to enter. He took leave to tell his noble Friend that he was mistaken. His noble Friend relied principally on the case of Colonel Shaw Kennedy as proving his allegation that the committee had taken evidence which they had no right to admit. What were the facts? Upon the resignation of this functionary, he had addressed a note to the Lord-lieutenant, explaining fully the motives which had guided his past official conduct. This note was tendered by him as evidence to the committee, and they took it. Was this any proof of the committee having entered into extraneous and irrelevant matter? The committee had called before them as witnesses Chief Justice Doherty, Chief Justice Bushe, Judge Perrin, and Judge Moore. But the noble Marquess said, "Why not call Baron Pennefather before them?" Now, the noble Marquess was put in possession of the evidence day by day as it was taken. They took special care of that. If Baron Pennefather, therefore, was a witness on whom the noble Marquess relied, why not suggest to the committee to examine him? The Goverement having been cognizant of all that took place before the committee, it was their bounden duty, if they considered Baron Pennefather's evidence important, to acquaint the committee with this fact. But suppose that Baron Pennefather had been examined, and had proved that he had been treated with due respect by the Government, what difference would that have made? Suppose it were also made out, that to Judge Doherty they had not acted with propriety, but, as had been remarked by his noble and learned Friend, had affixed to that learned person's character a black spot, as "a judge of the right sort, (the language of the memorial) from whom justice could not be obtained?" If any such conduct could be proved on the part of Judge Dogherty, he ought not to be suffered to remain one hour in office. With regard to the case of Gahan, he must say, that he did not think any answer to the charge had been given. A memorial worded so disrespectfully ought never to have been received. At all events it should have been in the first instance shown to the judge whose character was so bitterly attacked. In point of fact this memorial was a libel on Judge Doherty, who was perfectly justified in consulting his friends as to whether he should take proceedings. The noble Marquess said that this man had shown great contrition for his conduct. The fact was, that he had shown none at all. Of all his charges he retracted not one word. As to the exercise by the noble Marquess of the prerogative of mercy, surely it was too much to release fifty-seven prisoners from the gaol of Clonmel within one hour. Instead of availing himself of the opportunity of the tour which he was making, the natural course would have been to consult the assistant barrister, Mr. Howley, and then, if his representations were satisfactory, to have released the prisoners. The noble marquess asked their Lordships to look at the state of Ireland—at the stoppage of faction fights, and the diminution in the the number of assaults, which he attributed to this exercise by him of the prerogative of mercy. He must disagree with the noble Marquess; he did not believe one word of it. The doing away of compromises between the accuser and the accused was undoubtedly most beneficial, but the certainty of punishment was still more important. The most effectual way to deter from crime was to bring every case properly before the court and the jury, and to make punishment certain in the event of conviction. The noble Marquess had no right whatever to take credit to himself for his abuse of the prerogative of mercy. He had no notion that the noble Marquess had been actuated by sinister motives in any portion of his conduct, or that he had done anything of which he had occasion to be ashamed. Nevertheless, he did not believe that the noble Marquess had properly exercised the prerogative of mercy. While he thought that the wording of his noble and learned Friend's resolution was too strong, still he must think that the conduct of the noble Marquess on these occasions, without reference to the judges, was most undoubtedly indiscreet. He had thought it his duty to rise to defend the committee from those accusations which had been made against it. Upon the whole, he thought their Lordships ought to pass these resolutions, in order to show that they were not satisfied with the mode in which the government of Ireland had interfered with the administration of justice.

Lord *Plunket* said, the resolutions which the noble and learned Lord had proposed were contrary to the opinion of the committee, and of every member of that committee ("*No, no.*") The committee had stated in their report that the inquiry should be proceeded with in another Session. ("*No, no.*") He begged pardon; what he stated was correct. The noble Lord called upon the clerk, who read an extract from the report to the effect that

> "The Committee recommended the whole to the serious consideration of the House. It might be for the consideration of the House whether or not the committee should not resume its labours in the next Session of Parliament?"

He had rather understated the difficulty under which the noble Lord laboured in supporting the motion of his noble and learned Friend, as chairman of the committee, or in the name of the committee to bring this subject before the House. The report stated that they had been prevented from completing their labours from the lateness of the Session and the great quantity of matter to be gone into, and that therefore they did not accompany the report with any observations; and the committee then went on to state that their labours might be resumed in another Session. If their labours were to be resumed, he took it they were to be resumed on the whole of the matters referred to them. It was very easy for the noble and learned Lord to say that it was only a particular part of their labours which were to be resumed. He begged to ask what right his noble and learned Friend had to say that they would not resume their labours on particular parts of evidence, when it would be open to every member of that committee to open every part, either for explaining the evidence already given, or for the purpose of throwing a new light upon it. He took it, therefore, as an extraordinary thing that this subject should be so urgently pressed on their attention. He knew of nothing very pressing or urgent which would not allow the postponing of this subject to another Sessions. He could not reconcile it to his mind why it was that they postponed the consideration of Ribbandism, which was not brought before the House now, and that there was such a pressure upon the other parts of the inquiry as would not permit of their lying over till a future opportunity. Had there been any new or urgent cause why the question of forfeiture of recognizances, which was the subject of the first resolution of the noble and learned Lord, should not remain to another period? Every Member of that House ought to have the opportunity of a full investigation of the subject, which he denied the possibility of under existing circumstances. He had applied himself assiduously to the consideration of the 1,300 pages of report, and had not been able in the time to master one-tenth of the materials which it was necessary should be mastered before going into the consideration of the question. There were some parts of his noble and learned Friend's motion of so serious a nature that he trusted that House would pause before it committed itself on the authority of an individual, however high in public opinion, and however rich in talent, to the perilous navigation in which he sailed. With regard to the forfeiture of recognizances of which the noble and learned Lord's first resolution treated, he (Lord Plunket) believed he was addressing an audience were was in general, ignorant of that subject, even if this were the time for making the inquiry, and that the proper place to do it in. The course of proceeding in forfeited recognizances of late years had been most absurd—it had been dilatory and circuitous; the consequence of which was that public justice was totally evaded. By the alteration of the law, the estreated recognizance went at once into the hands of the sheriff, and thence into the hands of the constable, and the amount was levied at once and all the former mummery entirely was done away with. Who was the person to enforce the resolution of that House, on this subject, unless it was competent for that House to undertake the task of legislation on this subject by itself and to settle it? The second resolution respected the ordering of jurors to stand aside. To such an extent had that been carried in Ireland, on account of religious feelings, as to make the administration of justice suspicious and odious to the minds of the people. When he held a former office in Ireland he had endeavoured to remedy that, and had given directions that no juror should be ordered to stand aside on account of his religion. The noble and learned Lord had said that the judges, in their judicial character, ought to be treated with the greatest respect; he did not know whether his noble Friend had exemplified his principle in the case of Sir Michael O'Loghlen. His noble Friend said he was not dissatisfied with Judge Perrin's instructions; but his were entirely the same as Sir Michael O'Loghlen's. The House would judge for itself. These were the words of Mr. Justice Perrin's instructions in 1835, with respect to the important matter of challenges. He writes

> "It is not my wish that any man should be set aside by the Crown against whom there is not good and sufficient reason, and if any private prosecutor applies to you to set a juror aside, let him furnish you with reasons, and furnish me with lists of the persons objected to, and the grounds of the objection."

He now came to the letter of instructions of Sir Michael O'Loghlen in 1836:—

> "It is not my wish that you should exercise the privilege of setting aside a juror except in cases in which a juror is connected with the parties in the case. You will not set aside any juror on account of his political and religious opinions; and you will be pleased in every case in which you may consider it necessary to set a juror aside, to make a note of the objecttion to him."

Now, he should be glad to known what there was in the letter of Sir M. O'Loghlen which could fairly be made the subject matter of complaints. He had read as much of the evidence as enabled him to state that Sir M. O'Loghlen had sound reasons for the adoption of that course, and that the most beneficial effects had resulted from its adoption. The evidence proved that the departure from the old system had been most beneficial; the jurors, who were set aside, were naturally offended and affronted, and would not return again to be liable to be called, except on compulsion. Besides this, the old system gave to the prosecutors disposed to act unjustly an opportunity of packing the jury; it created great general distrust of verdicts so obtained. This was pointed out in a case stated in Mr. Barrington's evidence. It was that of a conviction in the county of Cork of a Roman Catholic priest for endeavouring to get persons to take a false oath in order to convict another person of murder. It was suggested to the conducting counsel that it would be better not to allow any Roman Catholic to be at that trial, but his learned Friend who conducted the prosecution said, that the case was so odious that he could not doubt the result, and he would not do any Roman Catholic the injustice of supposing he would not do his duty as a juror. His learned Friend accordingly did not put aside any Roman Catholic on account of his religion, and the case was tried by a jury composed of six Protestants and six Roman Catholics. Would the conviction have been so satisfactory to the public mind if the jury had been entirely composed of Protestants? On the whole, he believed that nothing had conduced more to restore tranquillity in Ireland than the change which had been made in the system of challenging jurors. He came now to another point of the case on which he wished to make a few observations—he meant that part which related to the setting aside sentences without communication with the judges by whom those sentences had been pronounced. Undoubtedly, on an application to remit a sentence, the proper course was to refer to the judge who tried the case; but to say that such a course was matter of necessity, and that in the exercise of the prerogative of mercy, he had never heard it suggested, till he saw the resolutions of his noble and learned Friend, that the Crown ought to be restricted by a reference to the judges. But it had not been the invariable practice to act upon the opinions of the judges on such matters. He remembered a case which occurred to himself at the time he had the honour of holding the office of Chief Justice of the Common Pleas in Ireland. He sat at the Commission Court in Dublin with his esteemed Friend, since deceased, Mr. Justice Vandeleur. Two gentlemen, of the names of Smith and Markham, were tried and convicted of manslaughter, and Mr. Justice Vandeleur and he had agreed in fixing the sentence at two years' imprisonment: they had thought, considering the circumstances of the case, that to be a lenient sentence. An application was made to the then Lord-lieutenant (the Marquis of Anglesey) to commute that sentence, and the case was referred to him, and he, with Mr. Justice Vandeleur, gave their opinions that the sentence ought not to be commuted. Lord Anglesey, however, thought otherwise, and did very properly, perhaps, remit the sentence. The resolution proposed by his noble and learned Friend did not go the length of saying that the Crown ought to be bound by the opinion the judge might give, and therefore it left the matter as it now stood. But cases might arise—convictions for political offences, for instance—in which the judges might refuse to give any opinion, as had been shown by the evidence of his valued Friend, the present Chief Justice Bushe. When applied to by the noble Marquess in a case of that kind, his learned and excellent Friend had made this answer:—"I will give you no opinion upon it, except as regards the law or facts of the case." It was, therefore, not for the judges to decide upon what might be prudent and provident to be done by a government in the exercise of mercy with a view to the political tranquillity of the country,—it was for the Government, who knew the circumstances in which the country was placed. Now, a great deal of what had been done in this respect by the noble Marquess had been grounded on expediency, and this exercise by him of the prerogative of mercy had been tried as an experiment; and he could congratulate his noble Friend and the country that the experiment had succeeded, for it had led to increased and still increasing tranquillity. His noble Friend had governed Ireland as he had promised, and, like Lord Hardwicke, had won the affections of the people. He thought the statement made by his noble and learned Friend with respect to his constitutional view of the prerogative of mercy was not correct. His noble and learned Friend seemed to think that the prerogative of mercy was like every other prerogative, and was to be exercised only by means of responsible instruments, but his noble and learned Friend forgot that it differed from all others in this—that the prerogative of mercy was a grace to be exercised by the Crown, and did not grow out of any right existing on the subject; in that respect it differed from other prerogatives—such as those of declaring war, of concluding peace, and of entering into commercial treaties. Every freeborn subject had a right to claim from the Crown that which the law gave him; but when he became a suitor for grace and favour he depended on the bounty of the Crown. His noble and learned Friend would find that principle laid down by Blackstone, in the fourth volume of his *Commentaries*. Would his noble and learned Friend state any instance in which a measure had ever been brought forward arraigning the Crown for the exercise of the prerogative of mercy? This was a novel experiment made by his noble and learned Friend, and he did not think their Lordships would be ready to commit themselves, even on the high authority of his noble and learned Friend, by adopting the resolution. One word more. Several cases had been stated, in which it was alleged that the noble Marquess had misconducted himself, but those cases, especially that of Gahan, had been misconceived and misrepresented. In Gahan's case, his noble and learned Friend seemed to suppose that the judgment of the Attorney-general had been brought into competition with that of Chief Justice Doherty, and again in the case of Connors with that of Mr. Justice Moore. This was a mistake. The Attorney-general had been called upon to exercise his judgment as to whether certain persons should be put upon their trials. Connors was one, and he was convicted by the jury—a verdict in which Mr. Justice Moore acquiesced, and sentenced him to seven years' transportation, the highest punishment the law had allotted to his offence. He, however, had an opportunity of reading the evidence, which he did not think twenty of their Lordships had done, and the subsequent report of Mr. Justice Moore on the case was, that the more that learned judge turned over in his memory that decision and sentence, the more he was satisfied of its injustice and severity. The consequence was, that upon reconsideration a free pardon was granted, because the judge was satisfied afterwards that the party had been convicted upon the evidence of persons who ought not to have been believed. Sir Michael O'Loghlen had been spoken of as having attempted to overturn the judgment of Lord Chief Justice Doherty; but he denied that there was any ground for such an opinion. In the case of Reynolds, there was a mistake upon a point of evidence; it was true, that he was present at a meeting held for some political purpose, at which a riot and assault took place; but it was clear, from nine-tenths of the evidence, that he took no part in the riot and assault, and therefore his punishment was commuted.

The Earl of *Roden* said, as the noble and learned Lord who had just sat down seemed to be ignorant of the proceedings which had been taken in reference to the evidence now under discussion, it might be convenient if he stated shortly, that it was the opinion of a large portion of the committee, that some report ought to be made this Session upon so important a subject; and for some days several members of the committee were engaged in drawing out different branches of that report, and they met on a certain day to consider those papers, each of which was laid before the committee. After much consideration and discussion, which was carried on with the most kind and friendly feeling on all sides, it was at last proposed by two members of the committee, that as there seemed to be no end of the proceedings in hand, and it being desirable that a report should be presented before the separation of Parliament, and knowing the anxiety which existed, not only amongst their Lordships, but in the country upon the subject, part of the various reports then under consideration should be taken up, which was merely the substance of that which was now lying on their Lordships' Table. The noble and learned Lord who had brought forward his resolutions to-night, upon that occasion addressed those who were more anxious for a detailed report, and said, if they would forego their wish, and agree to that which he then proposed, he would undertake to bring under the discussion of their Lordships that part which related to criminal law, and the administration of justice, naturally feeling, as a lawyer and a judge, that to be the most important part which could bias and engage his mind. It was then agreed that the substance of that report should at once be printed. There was, however, one sentence in that report on which he (the Earl of Roden) took the liberty to differ, and he divided the committee upon it. It related to this question. He was desirous that the committee should express their anxiety to resume their labours again, during the next Session of Parliament, for he felt most strongly, that they had not half sifted much important matter that came before them, and he agreed with the noble Marquess, who had to-night said, that there were many subjects connected with crime in Ireland which the committee had left untouched, and to which, if they had time, it was their duty to apply their minds. When that question was raised, the committee thought it right to differ from him, and the report had been brought up in its present shape, leaving the House to say, whether there should be another inquiry hereafter or not. But the noble and learned Lord who spoke last complained, that it was unfair to enter into a discussion upon any part of that report, because he for one had no time to read the evidence, and therefore it was impossible for him to come to a decision upon the subject. Why, the noble and learned Lord was named as a member of that committee, and his name remained on it to the very last; therefore it was the fault of the noble and learned Lord himself if he did not choose to attend the committee, that he was not better acquainted with the subject. If the noble Lord was uninformed on any part of the inquiry now under discussion, it was his own fault. With respect to the course which had been pursued by the noble and learned Lord who had proposed these resolutions for their Lordships' adoption, he believed they would receive the thanks of a very large portion of the community, as he believed it was impossible to let the facts which were brought out in this evidence lie dormant and unnoticed. The noble Marquess had referred to what he (the Earl of Roden) said, at the commencement of this inquiry, when he moved for the Committee on the 21st of March, and stated that he made assertions on that occasion in which he was not borne out by the evidence, and therefore called on him to retract them. All he could say was, that if the noble Marquess could prove to him that any assertions which he had made were not so borne out, or that he was mistaken in any opinion he had given on the state of Ireland, he should be most anxious to retract them, and to express his sorrow for any mistake he had made. But what he then stated he stated now—that he had no party feeling, no political object, to bias or interest him—no desire in the world, but that the truth might be elicited, and that the state of his unhappy country should be brought before the world, that they might not have from day to day contradictions thrown from one side to another—that when one person stated anything it should not be immediately denied by some one on the opposite benches. He knew that if the truth was to be got at, it was only by having a committee such as that which their Lordships had appointed, to go into the detail of the whole business; and he thought the committee had brought out matter more important, perhaps, than had ever been laid before Parliament upon any subject for a great length of time. His hope was, that not only their Lordships, but the country—not only the higher classes, but the middle and humble classes, would get acquainted with that evidence, and make themselves master of it, for by that means they would know what was the real situation of Ireland, and not take their information from those publications which sent forth libels against the magistracy and gentry of Ireland. The noble Marquess had referred to his gaol deliveries, and had stated nearly the same things that he stated on the night when he (the Earl of Roden) moved for the committee. His language then was this—

> "Two things I distinctly deny; first, that upon these occasions any persons detained for various offences were discharged without mature consideration and previous inquiry; secondly, that any were discharged, merely because I passed through the town, who would not have been considered entitled to the same indulgence if I had not passed through the town."

The noble Marquess also found fault with him for not having brought these charges against him sooner. He begged to remind the noble Marquess that in April, 1837, he stated the very circumstances connected with these gaol deliveries which he now stated, and he was answered by the noble Marquess, the President of the Council, who seemed very indignant upon the occasion, in this manner—

> "He would tell them (the Lords on the Opposition side) that he regarded the Constitution of the country as highly as they did; and he could inform them also, that what the Lord-lieutenant did, he did after due consideration. Complaints had been made as if he had visited gaols and liberated prisoners, as if he had done it on the impulse of the moment. Now, he believed it impossible that he could have done so without having made himself master of the cases."

That was the opinion of the noble Marquess, the President of the Council, in answer to the statements he (the Earl of Roden) made in April, 1837. He would refer their Lordships to the evidence only, to see how far the noble Marquess was borne out in that opinion. The noble Marquess had that night told the House that the proceeding was only an experiment, which he rejoiced to say had completely succeeded, and which Mr. Howley and some other informants, whose evidence he read, had represented to have been most prosperous, and that great blessings had been produced by it. The noble and learned Lord (Lord Plunkett) had said, that this experiment had been a boon and a blessing to the country. He would now take the liberty of referring to three cases to show what effects the experiment had produced. He begged to remind their Lordships that the noble Marquess had taken his ground upon this assertion—that it was only in very light cases that he had exercised lenity, and that in no instance was there any great crime committed by any of the individuals who were thus turned out of gaol. He would first of all refer to the evidence of Mr. Fielding, gaoler of Mullingar. The question was 2641—

> "Were there any prisoners liberated from your gaol in the year 1836?—There were nineteen." (And the witness went on to state, that those nineteen prisoners were liberated by the verbal order of the Lord-lieutenant.) "(2,658.) Have any prisoners you discharged been since recommitted to gaol—There have; there have been six committed, and two out of the six have been transported." "(2,669.) What was the charge against Edward Gannon?—An aggravated assault. What was his sentence?—He was sentenced to two years' imprisonment, I think, and each alternate week to hard labour, and to find bail on his discharge; seventeen calendar months and eleven days of his sentence were remitted." "Was he discharged without finding bail?—He was." "What has he been committed for since?—He is now charged with murder."

Another case was that of William Carey, who was convicted of appearing in arms at night—a minor offence—and sentenced to be imprisoned for 18 months; he had 11 months and 22 days remitted. The governor of the gaol of Clonmel states the case of William Flannery, who was committed to gaol on the 30th of August, 1834, having been convicted of a grievous assault, and sentenced to two years' imprisonment; six months of which was to be hard labour. He was a year and nine months in gaol, and then discharged by the Lord-lieutenant on a memorial. This case was worthy of attention—it was thus described by the witness:—

> "(4,117.) When was that man recommitted to gaol?—The 16th of July, 1836." The first committal was on the 30th of August, 1834, when he was condemned to two years' imprisonment; three months of that period were remitted, and on the 16th of July, 1836, he was recommitted on the charge of murder.

being within the period which he ought to have spent in gaol."

That man was afterwards executed at the spring assizes of 1837. Had he (the Earl of Roden), then, said too much when the noble Marquess found fault with him for saying that the history of his Viceroyalty in Ireland was marked with tears of sorrow and stains of blood? He had used those expressions, and when he read such cases he must still use them. The noble Lord had talked of the benefit of this lenity, which he called cruelty, for lenity to murderers was cruelty to the community at large; and he would refer him to the language of Mr. Fausset, who had been twenty years a magistrate in the county of Sligo. The noble Earl quoted it as follows:—

"(2,587.) You state that persons have been let out of gaol on account of petitions sent to the Lord-lieutenant; have you ever seen those petitions? — Frequently. By what class of persons were they signed?—A number were signed by the Roman Catholic priesthood, and persons all about the neighbourhood who knew the parties, and by some who knew nothing about them. Were they generally signed by respectable persons in the neighbourhood? —In some instances they were; in some not. Do you remember any that were signed by respectable persons in the neighbourhood independent of the Roman Catholic priesthood?—I cannot recall them to my mind. Is it your impression that those petitions were generally to be relied on, generally speaking, as stating the facts?—Certainly not; I am aware that many do not state the facts."

Mr. Finn, a Roman Catholic gentleman living in Carlow, was asked—

"(10,524.) Can you form any opinion as to the impression made upon the minds of the people of Carlow by that discharge—the gaol delivery on the visit of the Lord-lieutenant to Carlow?—I think it appeared, in some degree, to encourage the system of outrage which then prevailed to some extent; that they looked upon the commission of small crimes with indifference, calculating upon the clemency of the Government to commute or curtail their punishment in case of conviction."

Complaints had been made of the resolutions which had been submitted to their Lordships' consideration, but it appeared to him those resolutions were merely a statement of facts, and if they were disliked by any one, that could not be helped. If the cap fitted any person, the person whom it fitted must wear it. He believed, that by passing the resolutions which had been brought under their notice their Lordships would do much good, as their affirmation would be a warning to other persons intrusted with authority not to abuse that authority in such a manner as to bring misery and wretchedness upon a country. He could not help rejoicing that a committee had been appointed, because truth had been elicited, and the evidence had come from persons of all classes—from persons of the highest respectability, who were officers of the Government. They were highly honourable men, and it was his own opinion, and the opinion of every member of the committee, that a more highly honourable body of men never came before any tribunal for examination. It was his comfort, after battling for years, that this committee had been appointed, and that the subject was now brought so much nearer to a close: "magna est veritas est prævalebit." It was his intention early in the next Session to call attention to other parts of the evidence, and at present he should not trespass further upon their Lordships' time.

Lord *Hatherton* said, there was one topic, at least, in the speech of the noble Earl who had just sat down in which he fully concurred, and that was as to the character and talents of the persons connected with the Government who had been examined before the committee. He did not believe that in any country, sixty or seventy persons, from the highest to the lowest officers of the Government, could have been found who would have displayed equal talent with the witness who had been examined before the committee. He felt that some apology was due to their Lordships for his addressing them on subjects on which it was difficult for persons who had not had a professional education to argue; but he trusted he might be permitted to say a few words in reference to the setting aside of jurors, to which one of the noble and learned Lord's resolutions was directed. He felt persuaded, that if that resolution was passed, the effect would be to destroy, in a great degree, the confidence of the people in the administration of justice. He had always held a strong opinion on this subject, and he held the same opinion now as he had when he had been Secretary for Ireland. He had always entertained the opinion that the restrictions as to the setting aside of jurors must be carried much further. Let their Lordships consider what had been the effects of the system of setting aside, which had so long been acted on. In 1834, he had expressed an opinion that the restrictions ought to be carried farther than they had been, and that opinion had been fully borne out by the evidence which had been adduced before the committee. He would not occupy their Lordships' time by reading the opinions which had been expressed on this subject by persons of the greatest weight and authority, and particularly by Mr. Drummond, and all of which were in favour of making great alterations in the system of challenge which had generally been pursued. He would, however, mention one or two cases to show the extent to which the system had been carried. In 1817, on one panel thirty-eight jurors had been set aside, and of that number twenty-seven were Roman Catholics. One of the persons was the high-sheriff, another was a grand juror of two counties, and nearly the whole were persons of considerable property. There was another case in 1830, in which fifteen jurors had been set aside, a large proportion of whom were Roman Catholics. There was also another case in 1834, in which ten jurors were set aside, all of whom were Roman Catholics. In 1834, at the Kildare Assizes, about forty persons had been set aside, and cases of a similar nature were by no means uncommon. Now, such challenges on account of the religion of the jurors certainly were far from wise, and did not create confidence in the minds of the people relative to the administration of justice. He himself had written to Ireland on the subject, and had stated that such a practice was unknown in England, and that its legality was doubted by some of the ablest lawyers. He should not go at any length into the instructions which had been issued by the Attorney-general on this subject, but he might be permitted to say, that in his opinion, they were all precisely of the same character, and that all had been productive of the same results. Let them listen to the evidence of Sir M. O'Loghlen himself in reference to these instructions. He was asked,

"Was it your opinion, that the practice of challenging jurors was open to great abuse?"

He answered

"Certainly it was. I beg to state that I introduced a rule that the Crown solicitor should not put aside any gentleman returned by the sheriff merely on account of his religious or political opinions; but he had a full right to set aside any person connected with the case, or otherwise disqualified in any way from serving on the jury."

Here he might remark, that one of the reasons why it was not necessary for the Attorney-general to be more precise in his instructions was, that all the Crown solicitors resided in Dublin, and were in daily communication with each other. They were consequently fully aware of his intentions without the necessity of having precise instructions from him. There was also another reason. On one of the circuits, it had never been the practice to challenge. The practice prevailed more in some circuits than in others, and the instructions were necessarily framed to suit all the circuits, but practically the effect had been the same in every case. Much stress had been laid on the evidence of Mr. Kemmis. The noble and learned Lord had said, that Kemmis had disapproved of publicans acting as jurors, but when Kemmis was asked "Would you in any new law exclude publicans from the power of sitting on juries?" he replied, "No, I would not, because some publicans might be very proper persons, others might not;" and he had also stated "the present Attorney-general authorized me to supersede publicans." It was clear that the same authority would have been given by Sir M. O'Loghlen, and it was also clear that there was a power to set aside the relations of the party accused, persons connected with the case, or any other improper person. But it was most important to have Kemmis's opinions of the results of the new system. He was asked—

"What is the general opinion of the country with respect to the administration of justice, as compared with their opinion formerly?"

He replied—

"With respect to that, I think the fact is, that the lower class of people have a greater confidence in the juries, because they see the Crown never set anybody aside."

Then came the important testimony of Sir M. O'Loghlen himself. Sir M. O'Loghlen had put in the letter from Mr. Tickell, which showed the good effect of the new system; and he had also said

"I got statements from the Crown solicitors, and particularly from Mr. Geale, of the home circuit, who had seen this system of challenging going on, and he stated his perfect conviction that the rule was operating beneficially, and that the number of convictions had been increased in the result."

He believed that the answers of Mr. Kemmis, when in favour of his noble and learned Friend's views, were given to what might be described as abstract questions, but that if Mr. Kemmis had been asked what he would have done in such and such a case, he would have behaved just as Mr. Barrington and other Crown solicitors had done. He would ask where there was any evidence to show that the system of which his noble and learned Friend complained had produced any mischievous results? He defied any noble Lord to point out where such had been the case. The only difference, however, between the principle which the Irish Government had adopted and that proposed by his noble and learned Friend, though it involved a very important consequence, would be, that his noble and learned Friend's principle would exclude from juries all those who had any political connexion with the case. Politics and religion, however, were so intimately connected in Ireland, that if the Crown solicitor acted on that principle the result would be to exclude all persons from the jury who happened to belong to one religious denomination or another, and thus the great object of the Jury Act, which was to give the great body of the population of Ireland the privilege of sitting on juries, would be practically lost. If, however, the Protestants set aside the Catholics in one district, the Catholics would on their part set aside the Protestants. Cases in which the panel might have a political connexion with the cause about to be tried must necessarily be numerous in Ireland. Take, for instance, the case of a riot or misdemeanour arising out of a general election, or the case of a prosecution for libel. In most counties there was a liberal club, which comprehended the great bulk of the liberal constituency. Would it be wise to put aside such of the jury as were members of the liberal club, solely because they felt a political interest in the question which was to be tried? He must say, that in his opinion the moral triumph of obtaining a verdict from a jury so constituted would be infinitely greater than if they were to set men aside on account of political predilections. The testimony of Sir M. O'Loghlen went to show that this system of not challenging on account of political bias was generally successful. The evidence of Mr. Barrington, of the Munster circuit, was to the same effect. Now, he begged to ask if, in the face of all this evidence, their Lordships were prepared to pronounce a verdict which would declare their opinion that a system of a contrary character ought hereafter to be pursued. If he had known, when the committee was about to close the evidence that his noble and learned Friend would have called on their Lordships, at this time of the Session, to pronounce an opinion on this subject, he should certainly have felt it his duty to call, on the part of the Irish Government, for other evidence to show that the system of not challenging had worked well. Mr. Brady, and Mr. Pigot, an English-bred lawyer, who was in town at the time, might both have been examined. In his (Lord Hatherton's) opinion, nothing more unfortunate, as affecting the opinions likely to be entertained by the Irish population on the administration of justice, could take place than the adoption of this resolution of his noble and learned Friend. It was indeed said that prisoners had now more confidence in their chance of escape than they had before. He believed it, and he thought that that confidence was a greater compliment to the administration of justice than their former despair. The constitution of the courts, in the opinion of the Catholic population was formerly extremely different. The Catholic prisoner, on going into court, saw a judge on the bench notorious for the strength of his political opinions. He saw an Orange counsel busy in removing from the panel all those who could be supposed to find any sympathy for him, and the prisoner himself and his numerous connexions who attended on such occasions were persuaded that the prisoner was brought to immolation and not to justice. With respect to the resolution relating to recognizances, it had been entered into so fully by his noble and learned Friend who sat beside him that he would not say one word about it. With respect to the case which had occupied so much of their Lordships' time, that of Gahan, he did not think it necessary to say much, for so far as his noble Friend was concerned he stood quite clear of blame. The only question was between Chief Justice Doherty and Sir M. O'Loghlen, and that he left for lawyers to decide, although having paid much attention to the point, he thought that Sir M. O'Loghlen had justice on his side. He must observe that Chief Justice Doherty seemed throughout to have felt that he was injured or misused in having his judgment set aside. His learned Friend (Sir M. O'Loghlen) had, on the other hand, stated that if he had presided as judge of assize, and had been obliged in the exercise of his duty to sentence any man to death, he should have felt sincerely rejoiced at the remission of that punishment, no matter how it was obtained; and he would say, that after a judge had discharged his duty on the bench, it ought to be no matter of regret or complaint, that the Crown, no matter from what source instructed, had thought proper to remit the sentence. In reference to the resolution respecting the liberation of prisoners from gaols, he would not make the noble Marquess a compliment, by saying that he approved of that liberation. But that was no reason why he should vote for his noble and learned Friend's resolution. That liberation took place three years ago, and there was no Member of either House of Parliament who had made it the subject of a vote of censure. He had also too much respect for the Crown to interfere, whatever his own opinions might be, with the exercise of the prerogative of mercy. Having taken an active part in the committee, he could not allow the discussion to close without making these observations.

Lord *Stuart De Decies* observed, that it was the duty of a Government to pay attention not only to the habits but to the prejudices of a people, and thus obtain their respect for the due administration of justice. He recollected, that when in 1836, the Lord-lieutenant of Ireland directed a wholesale act of clemency to be executed, and liberated ninety-four Orangemen who had been engaged in illegal processions in the north of Ireland, and in the outrages growing out of them, his conduct was eulogized as being characterized by great prudence and consummate wisdom, but when the scene changed from the north to the south, and when Catholics, not Protestants, were the objects of his clemency, then those who in 1836, were the foremost to approve of the exercise of the prerogative of mercy, were the first to condemn it. The noble Lord vindicated the whole course of policy pursued by the late Lord-lieutenant of Ireland, whose example must be followed, if it was desired to consolidate the strength of the empire.

Lord *Brougham* in reply said,* At this late hour, and after the lengthened indulgence your Lordships were pleased to extend to me at the commencement of the debate, I need scarcely say, that I shall trespass upon your time but very briefly; and that I much wish I could relieve you and myself from the necessity of my doing so at all—the more especially as the symptoms of impatience, which were manifested during the able speech of my noble Friend (Lord Stuart de Decies), afford sad warning of the waning night and the waning patience of the House, and give me, whose fate it is to come later still before you, a mournful presentiment of the hard encounter that awaits me with your exhausted powers of attention. There, are, however, one or two points upon which I have been misunderstood, or misrepresented, and on which, therefore, I feel it necessary to give some further explanation. It has been stated, that the noble Marquess, on visiting some gaol, I believe Waterford, minutely examined the cases of all the prisoners who were confined there, and liberated those only to whom he thought it was fit that mercy should be extended. I, however, have seen no evidence bearing out that statement; and certainly with regard to another prison, he did not enter into a minute investigation, for in that instance no fewer than fifty-seven persons had their cases examined, and were discharged by the noble Marquess, within one hour. And I believe some such examination and release took place, also, in Sligo. As for my noble and learned Friend behind me (Lord Plunkett) he has entirely misunderstood me; for he seems, by the tenor of his address to your Lordships, to think that I am bringing in a bill to alter the law of recognizances. Now, I do not complain of the law, therefore I have no occasion to propose any alteration in it; but I do object to the manner in which the law is executed. We have evidence that the recognizances have been estreated; that the sheriff attempted to levy; but that he could not levy, because the parties bound had no property; they were of the same class of persons as the offenders, and they had little or nothing on which to make a levy. Then they were imprisoned, it is true; but they were let out in ten or twelve days. This is what we complain of; it is what could not happen, unless in extremely rare instances, here; and it altogether paralyses criminal justice in Ireland. That is the short case. All the learning, therefore, thrown away by my noble Friend on the practice of the Exchequer respecting estreats, the various absurd stages which belonged to this process under the old rules, and the changes which have, in late years, been made to simplify that once complicated operation, is just so much learning thrown away on the present occasion. My noble Friend seemed to have some compassion for our ignorance of these Crown Office details. The truth is, they are familiarly known, here to the profession; but they are as useless in this debate, as they are familiar. No man, now, calls for any change in the law; no man impugns its sufficiency for its object. But all complain, that it is unexecuted, and its object not attained. Then it is asked, and the question was cheered by a noble Friend of mine (Lord Holland), who is also a friend of liberty and of the constitution — except on a question in which Canada or Jamaica liberty and constitution may chance to be concerned, it is asked, who is to attend to this? Why, the answer is plain enough, —the very parties who let these persons out of gaol. They it is, who are to execute, and not break the law. If the judges let them out without the consent of the Crown,—the cognizee of the bond, and to whom the penalty is due — then these judges must henceforth change their course—and nothing can be more wholesome than such a hint as is conveyed to those learned persons in this first resolution; but if the judges do not proceed thus—and I have no reason to think the fault lies with them—then the officers of the Crown, who have been remiss, must be cautioned and stimulated, and surely they will act properly in future, after your Lordships shall have reminded them of their duty. Then my noble Friend (Lord Plunkett) says, that I am unacquainted with the meaning of the prerogative of mercy, and that I entertain an unconstitutional or an ignorant notion of this eminent office of the Crown—a function which he extolled as beyond every other possessed by any kind of functionary, elevated, peculiar, beyond being touched; a function spoken of as above being controlled. But I am not half so ignorant, permit me to say, as my noble and learned Friend himself, who thinks that this is distinguished from every other prerogative of the Crown —that it is to be exercised at the mere grace and pleasure of the Crown—that it differs from every other prerogative, inasmuch as the subject has no claim upon the Crown for it, and no right whatever to ask it. If this, indeed, were the only one of the prerogatives exercised at the pleasure of the Crown, how does the Crown create Peers? How does it grant franchises? How does it confer pensions? No man, surely has a right to any Peerage or other honour, though we every day see many men obtain such. No man has a right to a pension, or other Crown grant of profit. No body of men have a right to a charter, or other liberty. In this respect, these ordinary prerogatives of the Crown differ not at all from my noble and learned Friend's peculiar and special prerogative of mercy. Why, really, instead of its being any distinguishing feature of the pardoning power, that it is exercised gratuitously, and that no one can claim its benefit as of right, this seems rather to be the most ordinary feature in all the prerogatives of the Crown, and to be an incident common to them all. Out of its mere grace and favour, the Crown confers honours. Yet, if we see the Crown playing with that undoubted prerogative, as a child does with a bauble—or if we see it used for wicked purposes—who can doubt that the Minister will be responsible?— ay, and who can doubt that Parliament, seeing honours thus recklessly lavished, or unworthily bestowed—distributed for a bad purpose, or for no rational purpose at all—would interfere by a resolution, and control, or at once stop, the abuse of the Crown's right? Mercy is a prerogative of the Crown, to be exercised in the same manner as all other prerogatives—with sound discretion, by responsible Ministers, for the public good, not for the personal gratification of the Sovereign or his servants. It is, like all other powers in the State—whether held by the Prince, the Peers, or the Parliament—a public trust for the people's benefit; and the higher, the more important the subject matter of it, the more delicate is the trust,—and the more cautiously, the more tenderly, the more deliberately, must it be executed by the Crown. My noble and learned Friend asks, who ever heard, and when did we ever know, of an interference with the prerogative of mercy? Why, over and over again, even within the last two centuries. There were the cases of Strafford and Stafford, in the reigns of Charles 1st and 2nd, where the people interfered with the mercy of the Crown; but these were bad precedents, and I will not refer to them; but the statute of Northampton was made with this express view. To show my noble Friend how little he knows of the subject he has been schooling us upon, I will only refer to two or three lines of that statute. I feel some satisfaction in proving to him, that I am not so ignorant of the points of this law as he seems to think. "Whereas," (says the statute 2 Ed. 3rd), "offenders have been greatly encouraged, because the grants of pardon have been so easily granted in times past, of robberies, felonies, and other trespasses." Is not this precisely the argument in the present case? And upon this preamble the Legislature restricted the prerogative, within limits which have subsequently been, no doubt, removed. But I do not consider that the reason thus assigned, and the law made in that year (1328), and confirmed ten years later, are a peculiarly ill authority for my own doctrine; at any rate, I am sure it is an answer to the somewhat triumphal question of my noble and learned Friend, when did any man dream of restricting or ever of touching the pardoning power? My noble Friend, on this subject, while declaiming against our ignorance, only dealt, be it observed, in vague generalities. He laid down some positions; but he quoted not one single authority, save the very general and well-known panegyric of Blackstone, which applies to my doctrine just as well as to my noble Friend's. Now, I, on the contrary, have quoted authorities; I have referred to Bracton and Staunford, as well as the statute book; and I have especially referred to Sergeant Hawkins,—as great an authority, surely, on this question as Mr. Justice Blackstone. If both Blackstone and Hawkins, on a point of criminal law, were quoted in any court of justice, I know which would be considered the best authority; but, in truth, Blackstone does not differ from Hawkins: he calls it, "the high and amiable prerogative of the Crown;" but he does not state that it is to be exercised without responsibility in the Ministers by whom the Crown is served; far less does he say that it may be exercised through mere caprice, either of the Sovereign or his servants. I prefer, however, the authority of Hawkins; because, instead of keeping to generals, he specifies the very principle that ought to govern the pardoning process. He lays it down, that mercy is not to be shown, but in cases where, on due examination of all the facts, it shall clearly appear that, had the law been able to foresee the particular circumstances, it would have excepted the offender from the penalties which it has denounced. It is not to be adopted, because there are fifty or sixty prisoners in the gaol, and the governor shall say, "I have a mind to let them out; if we make some of them shake hands, lecture others on their future conduct, and they all go out, either in a mass, as at Sligo, or in platoons, day after day, as at Clonmel, the movement will improve the state of the country." Much less is it said, that the gaols may be cleared in one place, and left filled in another, according as the Viceroy shapes his course on a tour. Neither Mr. Justice Blackstone, nor Mr. Sergeant Hawkins, gives any countenance to so wild a plan of mercy as this. Nor does any one former precedent of our Government, since the time of the Plantagenets and Tudors, and first of the Stuarts, when a coronation or an accession was the signal of gaol delivery in cases of a trifling sort. But the state of the country has been referred to, by way of a set-off, I suppose, against these strange acts of the executive power. Certain facts have been proved—they are not denied — the inferences from them are hardly disputed—now, how guilty soever these may be; but certain other facts have been stated also, of a wholly unconnected class, and the case runs parallel and not counter to that which it was intended to meet. No cause has been stated for the Government being able to withdraw 2,000 men which were required in other and more disturbed parts of the country; it is all ascribed to the gaol delivery. Whatever charges are brought against the Irish Government—how specific soever they may be, and how plain the evidence to support them — though they show the administration of justice to have been extremely defective, and the use of the pardoning power to have been most inconsiderate—though the direct tendency of these errors and abuses is to the encouragement, and not to the suppression of crimes—still, in answer, or rather in compensation for all this, they bid us look to the flourishing state of Ireland. The peace is unbroken by rebellion; agriculture thrives; the means of the people are improving; there is no immorlaity to be complained of. Nay, my noble Friend near me (Lord Stuart de Decies) conceives that all jealousy has ceased out of the land; and consequently, I presume, all cause for it too. This is the fairy picture we are desired to look at,

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* From a corrected Report.

> Tutus bos etenim rura perambulat.
> Nullis polluitur casta domus stupris
> Mos et lex maculosum edomuit nefas.

I wish, indeed, I could add as correctly,—

> Culpam pœna premit comes.

My Lords, the two cases do not meet; they are parallel — and the defence is a set-off, not an answer, to the charge. Then it is said, "How soon you bring forward this motion! we have not yet had an opportunity of reading the evidence." Yet, that the noble Marquess has evidently read every part of the evidence bearing on his own case, and necessary for the present debate, is quite clear; not a tittle of it knowingly, has escaped him—although he has not, certainly, stated its purport in debate as clearly as he seems to recollect it. But, if we were to wait until those to whom the subject is very disagreeable, shall have read the evidence, I fear, that we should never bring forward any motion, or come to any decision, upon the question at all. I have more than once informed your Lordships how this motion originated. I had supported the noble Earl's (Roden's) demand of a committee, upon one only ground—the charges made, and never denied, respecting the administration of justice, and especially that important branch of the judicial administration—the exercise of the prerogative in pardoning. In the committee, I confined myself chiefly to that portion of the inquiry. I appeal to all who served with me, whether I did not hold the balance, as far as it was in my hands, with strict equality and fairness between the two parties — whether I did not subject the witnesses against the Government to full as strict an examination as those produced in its behalf—whether I did not extend the same protection to the one class as to the other. But a mass of evidence was collected, of vast bulk, various aspect, and great importance. We almost all deemed it necessary to give the House some Report upon its contents — not expressing any opinion, but stating the substance of the proofs, and enabling your Lordships easily to understand the result of our inquiries. We determined, therefore, to furnish an abstract, which might embody the contents of the evidence, and serve as a key to unlock it. Several of the Members took each a department. My noble Friend opposite, our Chairman (Lord Wharncliffe) undertook the whole subject of the Ribband conspiracy: my noble Friend near him (Lord Ellenborough) took the state of crime, and the granting of pardons: I undertook to form an abstract of the other matters relating to the judicial administration — naturally enough, because that had formed the main object of my attention in the course of the long enquiry we had conducted. When we met to consider these several abstracts, objections were raised—and raised by the noble Lords who had all along defended the Government—of such a kind, partly as to expressions, partly as to omissions, partly as to arrangement, at almost every line, that it was quite manifest, weeks and months would not suffice to agree upon any Report or Abstract, or even any Index at all; and I, therefore, at once said that I found I had been wrong in supposing anything ever could be agreed to, and that those noble Lords, who were taking the objections, had been right in stating that there ought to be no Report, except merely laying the evidence upon the Table of the House. But I added, that I should endeavour to supply the defect by a motion respecting the pardons of the Viceroy, which, in my estimation, was the most important subject of all, by far; and that as I had been driven, by the supporters of the Irish Government, from what I deemed absolutely necessary to the discharge of my duty, I should take the only course left for us, by moving your Lordships; and I pledged myself to make you masters of at least, one branch of the evidence This pledge I have to day redeemed. That I took any party unprepared, I, therefore, utterly deny. The noble Marquess had the evidence daily sent to him, and nobody can doubt that he read it. At any rate, he has read it fully before this night; and I expressly said from the first, that I should confine myself to the thirty or forty pages of the evidence which bear upon the administration of justice. These could be read easily in two hours of time. I put it to your Lordships, whether I have not performed my promise?—whether I have travelled one hair's breadth beyond that portion of the case? But I must now go further. I ask your Lordships, whether I have not had my prediction fulfilled as to the course the debate would take? and whether all the opposite prophecies are not now falsified by the event? Then it is said that I have been unjust towards Sir M. O'Loghlen, and that I have violated my own doctrine — namely, that the judges should be held up to public respect, and not to public censure. But, then, my reference to Sir M. O'Loghlen was not in his judicial character, but as Attorney-general, in the advice he gave at the Castle, and the conduct he held when public prosecutor. As to the case of Gahan, I will only say, that it has been totally misrepresented; but I will not go into it again. Every one who reads the evidence must agree with me. The nonsense that is told about Judge Moore having applied for Conner's pardon, who was concerned in the same desperate fray, is really below contempt. First, he never applied at all, but waited till the Government asked him, upon some Member of Parliament applying. Next, he reported, not for a pardon, but for a year's imprisonment. Again: he had sentenced him, on the jury convicting, to the greatest punishment the law allows. Fourthly, he had reflected for months on that verdict and that sentence, and never gone beyond doubting on the case. Fifthly, the ground and the only ground of his doubt was removed by the second trial, when the sobriety of the policemen was directly put in issue. Lastly, the defence of Connors was totally different from that of Gahan—being a question of identity—so that nothing could be more easy than to believe the one guilty, although the other had been acquitted. They who argue thus, really are in as perverse a state of mind, and as hopeless an ignorance of the case, as ever Sir M. O'Loghlen was in, either when he took upon him to sit in judgment, by way of appeal from Chief Justice Doherty, who had tried the cause, or when he came before the Committee to defend his judgment and explain its grounds. Greater ignorance of a case it is unnecessary, and it would be impossible, to conceive. With respect to that right hon. and learned Person, my noble and learned Friend (Lord Plunkett) needed not give himself the trouble of defending him at length — not even of eulogising his general conduct, still less of praising his judicial merits. I am no adversary of the Master of the Rolls, in his character at the bar; and of his conduct on the bench I never said one word. I join in the respect usually paid to him as his due in this high capacity. I did not even say a word of his demeanour as a witness. But, surely, the most ludicrous of all absurdities is, to hold an Attorney-general,—a public prosecutor,—a partisan at the bar or in the senate, or on the hustings,—exempt from all censure,—nay, from all comment,—the instant he is removed to the bench. My whole remarks applied to him while in his lower sphere,—in the mere human stage of his existence. He is now removed to that exalted state, among the blessed spirits who adorn the bench; he is above all censure of mine, as long as he falls not from those ethereal regions. But I only referred to the acts of his former state,—the things done in the body, —when he sojourned among us, clothed with the infirmities of our limited nature, and was amenable, like ourselves, to the bar of public opinion, and could be questioned and blamed without detriment to the sacred purity of the ermine that now clothes him and covers him from all attack. With respect to the composition of juries, I quite agree that religious opinions ought not to be the ground of setting jurors aside; but, certainly, persons who may, the day before a trial, exhibit at a tumultuous public meeting great political violence, and bear a forward part in exciting the people to acts of lawless violence, ought not to be put upon the jury which is to try that very offence. My noble Friend (Lord Hatherton), who fairly and candidly gave up the noble Marquess's case upon the important point of the gaol deliveries, and admitted that nothing could be said for this part of his proceedings, stickled, nevertheless, much for the Attorney-general's instructions respecting juries. He could say nothing as to their uncertainty and their diversity, —nothing for the Attorney-general's (O'Loghlen's) failure in explaining them, —nothing for the construction attempted to be put upon them;—but he contended that they had done no harm; and that only one witness, whom he seemed to charge with prejudice, had been found to disprove them. Really, this is one of the many statements of my noble Friend, which are at considerable variance with the facts in the evidence, and for which I am somewhat at a loss to account. Only one witness disapprove? Only one person say that juries have been the worse for the instructions, or for the various meanings given to them? Really it is just the reverse;—all but one have condemned them; all but one have complained loudly of the juries being much worse constituted: and almost all these complaints come from men in the employment of the Government, and even employed in the Attorney-general's own peculiar department. I will not fatigue your Lordships with reading over the evidence at this late hour; but I must run over the heads of it, and refer to the substance and to the pages. Mr. Hatton (p. 242. to 245.) swears that the juries are worse since the instructions of Sir M. O'Loghlen; that Protestants have no longer any confidence in them; that the inferior class of jurors, now serving, are liable to be influenced by threats when attending markets; that convictions are more difficult to be obtained. Captain Despard (p. 276. to 278.) says, that formerly, too many jurors were set aside; but, now, the error is too far the other way; that connections of the prisoners, and publicans, get on juries now; that the latter class cannot afford to act honestly, though not intentionally dishonest; and that, where a popular feeling exists, there is not any fair chance for a prosecution. Mr. Rowan (p. 156. to 188,) swears that the not setting aside has a very injurious effect; that a lower class of jurors serve than before; and that persons connected with the offence may now be on the jury, and prevent a conviction. Mr. May and Mr. Plunkett (p. 379. and 390.) both swear that the Crown's power, if discreetly used, has a useful operation. Mr. Hamilton (p. 706.) swears that, in consequence of the instructions in party cases, there are, generally speaking, no convictions at all, where there ought to be. Mr. Seed swears (p. 302.) that though, in ordinary cases, there be no objection to the new system, yet that the old is preferable where party feeling or intimidation exists; and he explains how perniciously the new operates against the due administration of justice. Mr. Finn (p. 814.) says, he is sure the new plan has proved injurious to the administration of justice. Mr. Mackinnon, another Crown solicitor (p. 660.) gives the same unfavourable account of the system's operation. And these nine witnesses are the single person who my noble Friend has actually had the boldness to assert was the only witness to disapprove of the Attorney-general's instructions! But nothing in this debate has astonished me so much as my noble Friend at the head of the Government (Lord Melbourne) complaining of the time at which this motion has been brought forward. Why, I gave above a fortnight's notice; and there were only forty pages of the evidence to read. I beg the House to observe how closely I have kept to those forty pages,—referring to not one tittle of the evidence beyond them. I beg the House, also, to observe how completely all the predictions have been falsified by the event, of those who confidently foretold the impossibility of confining this debate to its proper object,—the administration of justice. I also must claim to be regarded and followed as a safe guide, when it is remarked how entirely my prophecy has now been fulfilled. I was told that the whole matter would be gone into, and that it was quite impossible to keep the debate within its proper bounds. I said I was quite confident I should be able to do so; and that no one topic would be touched on or alluded to, except the one subject which I was to bring forward. Well, the debate is now over; and all the speeches have been heard, save the small residue of this my reply; and I ask if any one allusion has been made,—if any one word has been uttered regarding any one title of the evidence,—except what related to the administration of justice? Why, then, were not two or three weeks amply sufficient to prepare all men for this discussion? What right can my noble Friend (Lord Melbourne) have to complain of the question being hurried on? What earthly ground can there be for his assertion that he could not read the evidence? Two, at most three, hours were all that he required to peruse it; and he now comes down, after two or three weeks, to tell us that he has not read a word of it,—knows nothing about it,—and cannot tell whether the noble Marquess be guilty or not. From this, I naturally expected him to conclude his speech by asking for more time, or moving for an adjournment of the debate. No such thing. He moved the previous question, which is an admission—not that he is ignorant of its merits, but that he has considered it, and, in some way or other, made up his mind upon it;—that he feels he cannot resist the motion; but that he also feels it an inconvenient one for him, and therefore wishes the question may not be put upon it. To be sure, if the argument of my noble Friend were allowed to prevail, nothing could well be imagined more comfortable for the Government,—and for any Government. They have only to say,—"we have not considered the case, therefore, do you resolve not to pronounce a sentence upon us." I will answer for it, on these terms, no unpleasant case would ever be considered by the Government, and no inconvenient vote would ever be passed by Parliament. The ignorance would not be a pretence—but it would be real; and the advantage resulting from it would be a reality too. But my noble Friend charges me with violence—with acrimony—with undue severity against the noble Marquess. No man is a judge of the exact force and weight of his own expressions. I can only say that I had no intention to be violent or severe. I know that I omitted some heads of attack altogether,—heads much dwelt upon by members of the committee during our investigation. I know, too, that not one word escaped me which had not a close connection with the subject,—the administration of justice; and this I well know,—that I abstained from numberless topics, numberless illustrations, which would have been used by me, had another person's conduct been the subject of debate. But, it seems, I have, elsewhere, praised the noble Marquess; and therefore it is unfair in me, and unfriendly, to blame him here. That the former praise may have been very friendly, I do not deny; but that this circumstance renders the present blame less amicable in its aspect, I do not clearly understand. My noble Friend cites a note, published as he says, under my sanction, and applied to a speech delivered in 1823, on the administration of justice in Ireland; and he seems, by his reference, to insinuate that there is some inconsistency in my now disapproving of him, whose conduct I approved above a year ago. There is not the shadow of inconsistency, or anything like it, in this proceeding, even if you take into the account the panegyric bestowed in the note—and very sincerely bestowed—on the private and literary character of the noble Marquess,—a panegyric read by my noble Friend with a mingled sneer at the author of the praise and its object. My noble Friend really could not resist this, his besetting sin, of constantly holding cheap all men and almost all things. That is his way. Also, it is his way to bring out roundly, and sometimes roughly too, whatever passes through his mind. This it is, among other and higher qualities, that makes him so agreeable a debater here, and so delightful a companion elsewhere. The humour is his own, and it is racy and pungent. No respecter of subjects or of persons, out it all comes—no matter who is by, or whom it hurts. He gives mirth, and he shares it too, largely enough. It is generally one word for his audience, and two for himself; one laugh from them, and two from himself. So on he rolls, with his lively and careless speech, or his yet livelier and more careless conversation. Good sense and good humour are always at the bottom. No gall—not a particle of self-conceit—is anywhere to be found. If other men are little respected, he is himself never set up in any invidious contrast, but seems to be as little thought of as any of those he handles. Some startling paradox, to pass for profound and sagacious originality—some sweeping misanthropy, to show deep and penetrating knowledge of human nature—nothing can be more agreeable, though, very often, nothing can be less correct. And so it was to-night. The praise of his noble Friend, which he laughed so much at, was very sincerely given by me, and I still think very well deserved by him. I have constantly repeated it behind his back, and in quarters where the echo of any sound of it never could reach his ear. I defy all the persons who have ever heard me speak of him, up to the hour in which I now address your Lordships—and they are not a few—I defy them all to say upon what occasion I have ever said a twentieth part as much against him as I have felt compelled to do this day; nay, I defy them to say what I have ever uttered, that was not kind and friendly; and whether I have not uniformly confined my charges against him to his conduct respecting justice and mercy, and on that, limited my blame to an amiable and a venial indiscretion. I suspect the loud bawlers in his praise could not safely make the same searching and broad appeal. But what is the supposed inconsistency on which my noble Friend remarks? The subject of praise was Lord Wellesley and Lord Anglesea holding even the balance between the contending sects—that is to say, giving the Catholics their share of promotion fairly with the Protestants. The noble Marquess is then commended for treading in their steps. Have I said a word to-day that is at variance with that eulogy? Surely my noble Friend cannot mean to rely on so very poor a quibble, as that the phrase "holding even the balance" implies the giving no preference to the Catholics, and that yet to-day, we accuse the noble Marquess of trusting to Romish priests against Protestants;—for the whole passage must be taken together, and then it is perfectly manifest that the whole subject of panegyric is, that the three successive Lords-lieutenants had all promoted Roman Catholics more than their predecessors ever did. But I will not stop to defend myself against this childish argument, which only shows the extremity of the case now on its defence. Suppose I had changed my opinion of the noble Marquess's administration since June, 1838. Has the evidence of June, 1839, brought no new facts to light? Was Gahan's case—was Slye's case—were the details of the gaol deliveries—was the treatment of the judges—was the appeal to the gaolers—known in 1838, when the note appeared? Surely a more absurd, nay, a more desperate argument than this never yet was brought to prop up a hopeless case. But from this topic, my noble Friend, in a luckless hour, passed to a still worse, and that really did astound me. He sneered at the course of my public conduct; and indicated his disposition to withhold from it the praise of consistency, which I had openly claimed by a reference to thirty years' public life and upwards. Now, I repeat my challenge, to which I am compelled by the doubts which my noble Friend, without any one attempt at particularising, but wrapping himself up in mere vague and general insinuations, has chosen to ventilate. I defy him, or any man, to show the single instance in which my conduct has varied upon any one of the great subjects which divide statesmen, and agitate the world at large. I see around me, in all directions, abundant instances of men who have changed their course upon many subjects, and who have connected themselves with many parties in succession. I speak of them with all respect; their conduct and their changes have been, doubtless, directed by pure public principles, and never guided by personal motives. Nor, while I acquit them, do I now, nor did I when I last addressed your Lordships, claim any merit to myself for what I expressly called, and what I really do think, in the various course of human affairs, a piece of good fortune, much rather than any desert. But the fact is undeniable, that, upon all the great questions which divide men's opinions, I have, ever since 1810, when I entered Parliament at an early age, been fortunate enough to hold precisely the same course throughout this long interval of time, without any exception or variation whatever. I have consistently supported reform, the abolition of the slave trade and slavery, the Catholic question, the reduction of expenditure, the resistance of oppression, the extirpation of abuses, the reformation of the law, the limitation of the executive power. Moreover, I have uniformly adhered to one political party; and if, at the end of this long period, I have found myself under the painful necessity of separating from my former political friends, it has been, not on personal but public grounds—it has been—it has notoriously been, not because I changed, but because they have changed their course. When out of the Government in 1835, I zealously supported them; in 1836, I abstained from attendance, that I might not embarrass them; in 1837, I supported them on all but one question, when their conduct was a violation of liberty. But, in 1838, when they abandoned their reform principles, and carried further than ever the unconstitutional government of the colonies; and still more in 1839, when they have utterly forgotten the very name, as well as the nature, of Whigs, and consented to stand upon a mere court intrigue—a mere bedchamber quarrel—against Parliament and against the people, then, of course, my opposition became habitual, and I heartily desired the end of their reign. I will not deny that I desired their fall, when I saw them—with astonishment saw them—stand on the most Tory ground—ground ever most bitterly assailed by them in their better days —for the Tories always had the decency to cover over the nakedness of their courtly propensities with some rag of public principle, and spoke of danger to the Church and the other institutions, when they really meant risk of the King being thwarted, and their own power subverted. But these Whig Ministers, under my noble Friend, stripping off all decent covering, without one rag of public principle of any kind, stand before the country stark naked, as mere courtiers — mere seekers of royal favour; and do not utter a single whisper to show that they have a single principle in their contemplation, save the securing a continuance of their places by making themselves subservient creatures of the palace. To leave such guides, and such associates, may be very painful, from old habits and connections; but surely it became absolutely necessary to all who would not join them in leaving their former principles. My Lords, I grieve to have so long detained you at so unseasonable an hour; and I have only now to recommend these resolutions to your immediate adoption.

Their Lordships divided: — Contents 86; Not-Contents 52—Majority 34.

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Richmond
Wellington
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Bute
Thomond
Exeter
Londonderry
Westmeath
Ormonde.
EARLS.
Devon
Denbigh
Shaftesbury
Abingdon
Jersey
Poulett
Morton
Haddington
Galloway
Hopetoun
Delawarr
Bathurst
Beverley
Mansfield
Liverpool
Cadogan
Roden
Clanwilliam
Rosslyn
Limerick
Charleville
Manvers
Orford
Harrowby
Verulam
Brownlow
Beauchamp
Glengall
Sheffield
De Grey
Eldon
Falmouth
Stradbroke
Munster
Ripon.
VISCOUNTS.
Hereford
Strathallan
Strangford
Midleton
Gage
Hawarden
St. Vincent
Gort
Canterbury.
BISHOP.
Rochester.
LORDS.
De Ros
Saltoun
Sinclair
Colville
Reay
Monson
Sondes
Grantley
Berwick
Montague
Calthorpe
Dunsany
Redesdale
Ellenborough
Sandys
Prudhoe
Colchester
Ravensworth
Forester
Rayleigh
Bexley
Wharncliffe
Fitzgerald
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Tenterden
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Wynford
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Clarendon
Craven
Cowper
Lichfield
Gosford
Fitzwilliam
Fingall
Albemarle
Ilchester
Uxbridge
Minto
Lovelace.
VISCOUNTS.
Melbourne
Duncannon
Falkland
Lismore.
LORDS.
Cottenham
Holland
Langdale
Wrottesley
Sudely
Carrington
Stanley of Alderley
Plunket
Stuart de Decies
Poltimore
Lurgan
Mostyn
Byron
Foley
Hatherton
Ducie
De Freyne
Saye and Sele
Seaford
Colborne
Stafford
Gardner
Methuen
Montfort
Barham
Lilford
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Paired off.

CONTENTS.	NOT-CONTENTS.
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Mountcashell	Lynedoch
Longford	Vernon
Clare	Sefton
Bandon	Cork
Wilton	Torrington.

Lonsdale
Bradford
Sydney
Hood
Doneraile
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Beresford
Combermere
Canning
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Braybrooke
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Glenlyon
Maryborough
Downes
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Rosebery
Dormer
Kintore
Strafford
Yarborough
Crewe
Segrave
Bp. Ripon
Bp. Chichester
Bp. Hereford
Morley
Leigh
Bateman
Erroll
Wenlock
Carlisle
Zetland
Bruce
Cloncurry
Lovat.

Against the Resolutions the following Protest was entered.

"1st. Because the two last resolutions contain abstract propositions relating to the principles on which a power, vested by the constitution in the Crown, should hereafter be exercised. And, although it be the undoubted privilege of the hereditary advisers of the Crown humbly to suggest to the Throne the exercise of such royal prerogative in special cases, where, according to their judgment, such exercise is necessary or expedient, as well as on the other hand to offer their advice against any exercise thereof which appears to them hazardous or injurious to the public interests, yet we are not aware that it has been usual, or can be constitutional, or becoming in this House, spontaneously and unnecessarily to lay down certain abstract rules for the guidance of the Crown in the use of powers which are placed by the constitution at its discretion, and the proper exercise of which may depend upon circumstances which it is impossible for us to foresee.

"Such proceedings must have a tendency to fetter the prerogative and limit the discretion which the law has entrusted to the prince and his responsible ministers, and the impropriety of such a course appears more manifest, inasmuch as it is calculated to give countenance to a suspicion that the Lords of Parliament, not contented with the high functions assigned to them by the constitution of the country, are desirous of obtaining a share in other prerogatives which it has placed elsewhere, though it has subjected the exercise of them to responsibility.

"2. Because the power of pardon, which Mr. Justice Blackstone emphatically describes to be "the most personal and the most his own"* of all the prerogatives of the King, appears to us the last which can invite or justify the interposition of our House of Parliament with new regulations and restrictions on its exercise.

"The obligation attempted to be imposed by these resolutions, namely, the necessity of previous consultation with the judge, would in many possible, and in some not improbable instances, be at variance both with the theory on which the prerogative of mercy is preserved in our constitution, and with the duties which the judicial character supposes in our judges. The best writers on the principles of general law, as well as the ablest commentators on our own, have justified the prerogative of mercy inherent in the Crown, on the acknowledged maxim that "The power of judging and pardoning a criminal should never centre in one and the same person."† Yet the practical effect, if any, of these resolutions, would be, virtually to transfer from the prince and his responsible advisers; to the judge who tried, the power of pardoning the criminals he had condemned, thereby, in the strong language of the above cited authorities, "obliging him to contradict himself, to make and unmake his decisions; tending to confound all ideas of right among the mass of the people, and rendering it difficult to tell whether a prisoner was discharged for his innocence, or pardoned through favour or compassion."‡

"3. Because, although a judge can unquestionably afford the best and most satisfactory testimony to all the circumstances of doubt or extenuation which have appeared on the trial, and, consequently, should, wherever mercy is extended on such considerations, be previously informed and chiefly consulted, yet we apprehend that there are many and strong motives to mercy, moral, prudential, and political, on which persons officially entrusted with the strict interpretation and application of the law are far from being the most competent judges or the safest advisers. Services rendered by the prisoner before or subsequent to trial, discoveries and disclosures of past delinquencies, or of designs actually on foot, proofs, and consequences of his entire and sincere repentance, together with various other reasons of state and policy, may all furnish legitimate grounds for the exercise of mercy as long as our constitution preserves inviolate to the Crown that godlike attribute, and yet the consideration of such circumstances are surely peculiarly unfitted, and, perhaps, even unwholesome, for minds engaged in the stern and impartial discharge of the duties required in a criminal judge.

(Signed) VASSAL HOLLAND.
Hudson (Falkland) Minto
Barham Foley

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* Blackstone, Vol. IV., Commentaries. It is termed by other great legal authorities, "One of the most distinguished features of a monarch;" and elsewhere, "The most amiable prerogative of the Crown, and inseparably incident to it."

† Blackstone, Vol. IV.

‡ President Montesquieu on Blackstone, Vol. IV.

Stanley of Alderley
De Mauley
Duncannon
Lurgan
Stuart de Decies
Clarendon
Plunket
Seaford
Fingall
Dinorben
Gosford
Mostyn
Methuen
Colborne
Fitzwilliam
Hatherton
Albemarle
Sundridge (Argyll)
Montfort
Lilford
Lovelace
Clements (Leitrim).”

HOUSE OF COMMONS,

Thursday, August 6, 1839.

MINUTES.] Bills. Read a first time:—Militia Pay.—Read a third time:—Dublin Police.

Petitions presented. By Mr. Dunbar, from Ballymena, Connor, and Antrim, for allowing Presbyterian Soldiers to participate in the Worship of the Church.—By Colonel Perceval, from Routh, against the Ministers' plan of Education.

COUNTY AND DISTRICT CONSTABLES.] Lord John Russell moved the second reading of the County and District Constables Bill.

Lord *G. Somerset* was friendly to the bill, and in the county of Monmouth had made arrangements for the meeting of the Quarter Sessions, so as to suit the passing of the measure; but he would prefer that the rates should be collected in parishes or townships, so as to adapt the expense to the actual wants of districts. Some parishes did not require any new constabulary force, and it would be hard to make them pay for the wants of others.

Lord *John Russell* would have been glad, if he had found it consistent with his duty to postpone this bill till another Session, but the state of the country would not justify that course. The noble Lord, the Member for Monmouthshire, thinks it would be preferable to have the rates collected from parishes rather than by divisions of counties. Some words might be requisite to define what was meant by a division. But he was not of opinion that the bill should authorise a separate parochial rate. He feared that such a course would establish too many independent bodies, and destroy the uniformity which was one great object of the bill.

Bill read a second time.

METROPOLITAN POLICE COURTS BILL.] Mr. F. Maule moved the third reading of the Metropolitan Police Courts Bill.

Mr. *George Palmer* objected to the bill, because it was not what it professed to be. It was stated to be a bill for establishing police courts in the metropolis, but instead of that it was to establish those courts in any place within fifteen miles of the metropolis, and to supersede the unpaid magistracy of the country. There was one clause which completely showed the "cloven foot" on the part of her Majesty's Government—he meant the 16th Clause. [The *Solicitor-General:* "It is struck out."] Struck out or not, it distinctly showed the cloven foot—it showed the intentions of the Government, and what they would do if they could to spread the system over the kingdom. The unpaid magistracy of the country had been the boast of Englishmen so long as he could remember, and he strongly objected to a measure which aimed so heavy a blow at their existence. Mr. Canning said, that if they superseded the local magistracy, that connecting link between the higher and poorer classes, they would do more by that single blow to destroy the constitution of the country than could be accomplished by all the efforts of the Radical reformers. It was one instance of the noble Lord's endeavouring to upset the dearest institutions of the country. He was destroying every connection the country enjoyed with foreign powers, and he had gone to the same ruinous extent in the exercise of the prerogative of mercy by the recal of the Dorchester labourers from transportation, to please the solicitations of a certain party who were pressing the Government. He moved, as an amendment, that the bill be read a third time that day three weeks.

Motion not seconded.

Mr. *T. Duncombe* said, the hon. Member, the Under-Secretary of State for the Home Department had committed a gross breach of faith in persisting on the third reading of this bill. He moved an amendment on the 10th Clause, that the salaries of the magistrates be reduced from 1,200*l.* to 1,000*l.* a-year.

The House divided on the question, that the words "twelve hundred" stand part of the bill: Ayes 36; Noes 17: Majority 19.

List of the AYES.

Adam, Admiral
Bernal, R.
Bramston, T. W.
Buller, C.
Chichester, J. P. B.
Eliot, Lord
Estcourt, T.
Fitzroy, Lord C.

Grosvenor, Lord R.
Hill, Lord A. M. C.
Hobhouse, rt.hn.Sir J.
Hodges, T. L.
Hope, hon. C.
Hoskins, K.
Howick, Viscount
Lushington, rt. hon. S.
Macaulay, T. B.
O'Ferrall, R. M.
Paget, F.
Palmer, G.
Parker, R. T.
Parnell, rt. hon. Sir H.
Rice, rt. hn. T. S.
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Rolfe, Sir R. M.
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TELLERS.
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Bill passed.

BASTARDY BILL.] The Solicitor-General moved the order of the day for a Committee on the Bastardy Bill.

Lord *G. Somerset* thought the alterations did not go far enough, and one clause contradicted the other. The bill proposed to transfer jurisdiction in cases of filiation from the Quarter Sessions to the Petty Sessions. In that object he perfectly agreed, but he could not approve of a bill, proposing that all the clauses in the Poor-law Act should be applicable to this bill. The Poor-law Act was one of extreme difficulty of construction, and if the judges were sometimes at a loss to solve the points that arose from it, surely it was objectionable to hand them over to justices. A specific clause should declare the law. He thought, too, that parties accused of being the putative fathers should have the power of appeal on entering into recognizances for full costs. He did not think it fair that the characters of individuals should be concluded by the decision of two magistrates. This was a bill not to give protection to the mother; but to prevent parishes from being injured. He wanted to know, therefore, why the liability of the putative father was only to begin after the birth of the child. The mother might be taken into the workhouse two months before the birth, totally unfit to work, and chargeable on the parish. He, therefore, thought that the liability of the father for maintenance should commence the moment the mother became chargeable to the parish. He wished the hon. and learned Gentleman would consider the points to which he had adverted more particularly.

The *Solicitor-General* did not think that any of the three points suggested by the noble Lord would be prejudiced by going into committee. As recorder of a burgh, he himself had experienced considerable difficulty in construing the present law. He was aware there were several conflicting decisions, and, before the report was brought up, he should endeavour to frame clauses in order to remedy the defect.

Bill went through committee.

INCLOSURES.] Mr. *Harvey* moved that the resolution, passed on the 23d day of April, 1839, requiring

> "That in all bills for inclosing commons or waste lands, provision be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population, &c., be made a standing order."

It was only at the present late hour, said the hon. Member, that this concession had been made, and, narrow and contracted as it was, it was the only practical recognition in the present Session, of anything that could be called a solicitude for the public interests. But it was not enough to say, that if this principle had been observed in past years, and extended over 4,000 Inclosure Bills, the labouring classes would have enjoyed the advantages following the possession of a large field of property. But let them contemplate how many cottages had been swept away by these mercenary Acts, and levelled, without any regard to the rights of property, either to accumulate the inordinate possessions of the rich, and to minister to that pride which could not bear to see within sight of the castle or park-wall any tenement occupied by the lowly cultivator of the soil. He felt a melancholy satisfaction in moving the House to give permanence to this resolution, and trusted that it would only be the precursor of many attempts to ameliorate the condition of the neglected classes of the country.—Motion agreed to.

TRADE WITH TURKEY.] Mr. *Hawes* rose, pursuant to notice, to move for a copy of the tariff, agreed upon by the

Commissioners appointed under the 7th Article of the Convention of Commerce and Navigation between, Turkey and England. There were one or two topics to which he wished to call particular attention. In a letter from Teheran, dated 1st March, 1838, it was expressly stated, that

> "The customs are a source of great oppression, and the trade being chiefly carried on by Georgians and the native Christians (Armenians), they are often much bullied; their resource in such cases is to declare themselves Russian subjects, and claim Russian protection, which is omnipotent here. It is of great use to the Russian minister and agents, as bringing them innumerable bribes, and to Russian policy as giving them innumerable subjects of complaint against the Persian government, and which they are ready at all times to bring forward, and to back any demand they may choose to make, while, at the same time, no more effectual means could be found of displaying their power and extending their influence all over Asia."

The object of his motion generally, was to induce her Majesty's Government and the country to pay more attention to our relations in this quarter of the globe; as it was extremely important, that as we became shut out from the ports of France, and other European powers, we should take advantage of the new fields of commerce which offered themselves to us in the East. He was of opinion, that in the whole of the Black Sea our commercial interests ought to be further protected, and that every effort ought to be made to extend English commerce. A statement made by the right hon. President of the Board of Trade, the other night, showed that the proportion of goods exported, on which a great degree of British labour was employed, had lately diminished with respect to the whole quantity of exports; the sort of goods which required but a small consumption of British labour for their preparation having much increased of late among the exports. The proportions stood thus:—

Of goods, with the smaller proportion of labour, compared with goods with the greater proportion of labour, exported to—

	1827.	1830.	1834.	37.
Russia.... Sweden. .. Norway. .. Denmark..	31.17 to 68.83	27.16 to 72.84	21.31 to 75.69	18.53 to 81-47
Prussia ...	67.91 to 32.09	63.20 to 36.80	55.09 to 44.91	47.53 to 52.47
U. States..	95.83 to 0,417	95.57 to 04.42	93.31 to 6.69	86 to 13

Thus, whilst our trade increased, the quality of that trade was undergoing a change. Still our trade increased, perhaps, in the gross, between 1827 and 1837, about 14 per cent. Our trade ought to increase in proportion to our population and our capital. But if the increase of capital, compared with the increase of trade, were taken into consideration, using the population tables, and taking the ordinary calculations, it would appear that of the age of 30, one person in 3,755 dies annually, or about 85,512 heads of families, out of a population of 15,324,720 souls. Now, the capitals subjected in 1838 to probate duty, were by wills 45,624,540*l.*, and by letters of administration, 4,797,475*l.*, making together the annual sum of 50,422,015*l.*, which multiplied by 3,755, the number of persons living on an average of 30 years of age, gives 1,893,346,663*l.*, as the personal property in Great Britain only. But not above 23,819 wills and letters of administration are registered. Hence, as there are 62,965 heads of families living whose property is unaccounted for, and who are worth something each, this property of 62,965 persons must be added; therefore he would assume 2,000 millions pounds sterling to represent the personal property of Great Britain. Taking, then, the same data to estimate the value of the personal property in periods of five years since the peace in 1814, it will be seen that this property was in 1814, 1,200 millions; in 1819, 1,300 millions; in 1824, 1,500 millions; in 1829, 1,700 millions; in 1834, 1,800 millions; and in 1838, 2,000 millions, or an addition of 800,000,000. But as the war expenditure was 83 millions per annum, and the average of the peace expenditure had not exceeded 50 millions, the difference between the two amounts would account for this difference from this cause alone. Hence, capital had increased 75 per cent., and trade only 14 per cent., which measured, in some degree—the check and injury of prohibiting tariffs—navigation laws—and the mischief of the laws regulating the trade in corn, timber, and sugar. He hoped that the House would express its disapprobation of the existing state of things. With regard to the quarantine laws, there had certainly been considrerable improvement; but a vast deal more remained to be done. He had felt it his duty to direct the attention of the House to these matters, and he hoped that her

Majesty's Ministers would see the propriety of acting upon the suggestions he had thrown out. The hon. Gentleman concluded by moving for a copy of the tariff agreed upon by the Commissioners appointed under the seventh article of the Convention of Commerce and Navigation between Turkey and England.

Viscount *Palmerston* felt that the House would feel obliged to his hon. Friend for having drawn the attention of the House to the subject before the close of the Session. Much had been done, but much yet remained to accomplish. He could assure the House, that this was a point that occupied the incessant attention of every Member of the Government, and that no opportunity was lost of extending the sphere of the foreign commerce of the country. With regard to the extension of the Turkish treaty, it would have been unusual and by no means expedient to make a treaty with a Sovereign, and to exclude a portion of the dominions of that Sovereign from the treaty. A doubt might arise whether it was desirable that England should claim the application of the treaty to Moldavia and Wallachia, because it was doubtful if the same abuses existed in those principalities as in the rest of the Turkish dominions, and that question had not yet been determined on. As to the right of England to do so, there could be no doubt. It was wrong to suppose that any new stipulations were necessary to secure the free navigation of the Danube, as that river was clearly included in the provisions of the Treaty of Vienna. Therefore, any new stipulations would weaken instead of strengthen those rights. He was not aware that the commerce of England stood in need of any protection in the Black Sea which it did not enjoy at present. A great and increasing trade with Persia, until the occurrence of the late differences, had been carried on in the Black Sea, under the protection of the British flag. An attempt had been made to hold a conference of European nations on the subject of quarantine. Many persons were of opinion that quarantine was useless, and if these opinions were correct, this was an additional reason why the European nations should re-consider the subject. It was the duty of the Government to open new channels for the commerce of the country; with this view a person had been sent to the Commercial League now sitting at Berlin, with a view to enter into some negociation with them; and he could assure the House, that the great object of the Government in every quarter of the world was to extend the commerce of the country. This was not to be done by the commercial treaties alone—the maintenance of peace was also necessary, not only of this country with others, but among all the nations of the world; and he was happy to say, that the efforts of this country in this respect had been hitherto successful. He could have no objection to the motion of his hon. Friend, but in justice to Austria he must state that, independent of the papers called for, there was published last year in Austria a new tariff, lowering duties and removing prohibitions, admitting certain goods on a fair rate of duty; among these articles were brass ware, cotton manufactures, earthenware, glass, leather, oil, tin, and pewter, and woollen manufactures of all kinds. Thus while this tariff did high honour to Austria, it exhibited a desire on the part of the Austrian government to extend the relations between the two countries.

Mr. *Hume* felt, that the noble Lord was entitled to the thanks of the House and the country, for the pains he had takenin extending the commercial relations of the country. He hoped the time was coming when the restrictions on the importation of corn, timber, and other matters into this country would be removed.

Mr. *Villiers* did not rise to question the title of the noble Lord to the gratitude of the country, for directing his attention to the commercial interests of this country, for, when he considered how those interests had been attended to by his predecessors, and the care which was bestowed upon them by this House, he was ready to allow that they ought to be grateful for what had fallen from the noble Lord that evening; for though this country was indebted for its name to commerce, it appeared as if the Members of the Legislature were ashamed of the subject; and he was indeed diverted to see, when he ventured very often to offend the taste of the House by broaching such matters, how ungenteel and how unfashionable such topics appeared—how Members shunned them, and how beside the business for which they were deputed there, such matters were thought. He was, however, glad to hear that the noble Lord took interest in such questions. He was glad to learn that he thought it the policy of this country to extend and to liberate its commerce, and that he wished that he had the power to give effect to his opinion. It was, of course, not for him to suggest to the noble Lord the manner in which he might promote his views; but as the noble Lord had manifested his zeal for a wiser policy, by deputing an agent to the north of Europe, there to represent the commercial interests of this country at this most interesting moment, when the States united under the German League were met to deliberate on their future relations in commerce with other nations, he trusted, that that person had directions to demand and to receive from those States the precise terms on which they would be ready to negotiate with them, should they be disposed to remove the mischievous restraints which were imposed on our intercourse with them; because he hardly knew a way in which the cause was more likely to be served, than for this agent to bring back to this country an authorised statement of the advantages that they were ready to offer; it would be attended with this good, that they should then be able to shew the precise amount of evil which they endured from their own restrictions; and they could meet the monstrous fallacies that were usually urged in opposition, that free trade is injurious to this country, by at once exhibiting the privations to which they were submitted by the present system. He was eager to seize at everything which could convince the people of this country of the danger and the folly of the present system, for he considered, that there never was a more interesting or more critical period in our history than the present. For though they seemed on the eve of confusion and embarrassment, they yet possessed the means of continued prosperity. Their whole system was based upon commerce, and its existence seemed to depend upon the continuance of their present relations, and yet from the rivalry that had arisen in other countries, and from their own impolitic restrictions, their former superiority was in jeopardy, which would not only be the loss of greatness, but the chance of every evil which financial embarrassment could entail upon them. It was, indeed, one of those astounding illusions under which people seemed to be in this House, that the revenue of this country was independent of foreign trade, and it was common to hear in the House, that the principle of free trade was perfectly sound—that it was attended with all the advantages which was professed, but that the revenue would not admit of its application—that it was the debt that prevented the application of these sound principles—that if they were not burdened by taxes, free trade would be admirable. This it was that must astonish any man who had bestowed even a passing thought on the sources of the revenue of this country, for it was the very ground on which he claimed free trade as a matter of necessity; it was because they were burdened by debt that they could not afford the additional burden of monopoly; it was because the taxes were so heavy, that it was essential to make production easy, and increase the facilities of consumption, in the view of making their burdens weigh lighter upon them. Were it otherwise—had they no debt, or only a small one—they might indulge in the luxury of maintaining particular classes at the expense of the community, that they might make some bear double weight, that others might go unencumbered; but unfortunately they could not indulge in this fancy, and also keep faith with the national creditor. The revenue, on which the maintenance of credit and security in this country depended, could not be raised without the foreign trade, and the revenue could not be exceeded, nor could our present expense be maintained, without extending their trade, and that could only be effected by removing those absurd and mischievous restrictions which cramped their energies, limited their industry, and deprived the people of free access to the comforts and necessaries of life. He heard, then, with satisfaction at this moment, when all men were alarmed at the present state of the country, that those who were entrusted with the administration were alive to the real interests of the country, and that they were applying their minds to the silly and suicidal policy which regulated their commercial intercourse with the rest of the world; and he was glad of this incidental discussion on the subject, as of any other discussion which might lead men to think on the matter, for there could be none more important to this country, and no better way out of our present difficulty could be devised than liberating commerce and giving new employment to the industrious classes.

Mr. *Poulett Thomson* said, that the meet-of the German Union was not for the purpose of entering into any negociations; and, therefore, the utmost the gentleman sent thither could do, was to collect opinions, as the Union was not empowered to enter into negociations. The question of commerce with us was a question of life and death—we were essentially a manufacturing nation, and could only maintain our position by remaining so. He thought throughout Europe there was a much greater disposition to liberalise their commercial relations than had existed a few years ago, and wherever the free trade principles had been acted on they had invariably succeeded. France had recently been acting on the restrictive system, which he was convinced, if continued for a few years, would throw her back for fifty years in the list of commercial nations. But however averse he might be to meet restrictions by restrictions, if France continued her present system, he certainly should refuse those concessions to her which he was inclined to grant to other nations. If this country had the power of fully developing her commerce, he feared nothing from the burdens which might be imposed upon her.

Mr. *Ewart* said, whatever might be the difference of opinion among reformers as to the conduct of the ministry, as long as they maintained peace and free trade, they would have a strong hold on the support of all reasonable men.

Mr. *Warburton* thought that the conduct of this country with regard to the admission of French brandy might be a key to the conduct of the French government with regard to the restrictions imposed on British commerce.

Mr. *T. Attwood* said, that this country was differently situated from all other countries as to free trade, in consequence of our taxes and debt. He protested against adopting the notion, that in buying from foreign nations we were increasing our power or our wealth. There is one subject of my recent lucubrations, continued the hon. Member, which will be anything but gratifying to the noble Secretary for Foreign Affairs, and on which I must ask him a few questions. I was, indeed, truly glad to hear the noble Lord express this evening such interest in, and such desire to extend, the commercial relations of this country,—but if the noble Lord is really earnest, how is it he has allowed British trade to be excluded from the Black Sea. How is it that he has allowed the Circassians, a gallant people, who alone brave the whole power of Russia, to be cut off from all intercourse with England? Why does he not enter into commercial treaties with the Circassian chiefs, who have an extent of 300 miles of coast. He knows the importance of that country as a barrier to India, and as the only means of arresting the designs, and effectually opposing the aggressions of Russia in that direction. The noble Lord surely cannot sanction the treaty of Adrianople, by which Russia claims the Circassian territory, as he has that of Unkiar Skelessi, by which the British flag is dishonoured by its exclusion from the Black Sea. I have heard the noble Lord say in this House, that he did not recognise any claim of Russia to the possession of Circassia,—that Russia had no right to receive Circassia,—that Turkey had no right to give it, as it was never subject to her,—that Russia had not actual possession, and therefore could not establish custom-house regulations in a country which she did not hold;—indeed, in the disgraceful affair of the Vixen—that burning shame to England, he only justified the capture of that vessel under the pretence that Russia had a fort in the Bay of Soudjeukkale—a pretence by which he attempted to throw dust in the eyes of the country. Why, then—I ask the noble Lord—why does he not extend British commerce by opening communications with the Circassian chiefs, who look to England with hope and for protection. Where could he find better or important allies? If Circassia falls, the supremacy of Russia is thus established at once in the East: how long then will he guarantee to this country the continuance of her trade with Turkey and Trebizonde? If the noble Lord would imitate in the West, the energy displayed by the Indian Government in the East, matters would soon be brought to an issue. Why, indeed, is not the British fleet now in the Black Sea to protect our commerce with Circassia? —The noble Lord has said Russia possesses Anapa and a few other places or forts on the coast; but the Circassians have 300 miles of coast; and supposing Russia to hold fifty miles of it, is it any reason why we should allow her to possess the remainder, and thus forward the views of Russia, who has that obstacle to remove before she seizes the Dardanelles and eventually drives us out of India. I again call on the noble Lord to know why he does not recognise the independence of Circassia? It has been thought and said, that Russian gold has found its way into this House. I do not mean to accuse the noble Lord of having received Russian gold, but the idea has gone abroad that Russian gold has found its way into this House. The noble Lord cannot but be aware that charges involving criminality of a serious nature have been put forth against him in print too—not alone in the daily and weekly press, but in pamphlets and works, some of which I now hold in my hand—not the productions of obscure and unknown individuals, but respectable gentlemen, having filled high offices—Secretaries of Embassy—Employés and Protogés of the noble Lord himself,—Mr. Urquhart and Mr. Parish, have brought forward these accusations, and supported them by documentary evidence. God forbid that I should say that they are true; but they are uncontradicted, they have gone forth to the country, and why is it that the noble Lord has not instituted legal proceedings against these gentlemen? I think it right to state to the noble Lord, that the country expected that he would have taken such a course as a means of self-justification. Why have not the parties who bring forward such charges been prosecuted for libel? I have not brought this forward to the notice of the House from any unpleasant feeling to the noble Lord, but in fulfilment of a duty; I have a right to call attention to this subject.

Mr. *Thornely* thought that this discussion, if it went forth, would give great satisfaction to the public. He alluded more particularly to the speeches of the noble Lord, the Secretary of State, and the right hon. the President of the Board of Trade. From what he knew of the constituents of the hon. Member for Birmingham, he felt convinced that they would very little approve of the sentiments expressed by the hon. Member. He thought that the country was deeply indebted to Government for the treaties of commerce they had concluded with foreign nations. However, in his opinion, the great want of the country was, not treaties of commerce with foreign countries, but the removal of restrictions at home. He hoped that next Session something would be done in promoting free trade.

Mr. *John A. Smith* begged to ask the noble Lord, the Secretary of State for Foreign Affairs, whether he had received any direct intelligence from China, in respect to the recent events which were reported to have taken place there.

Viscount *Palmerston* said, he had received to-day a dispatch from the British superintendent, Captain Elliot, dated Macao, 23rd March, at which time he had received a printed copy of the edicts, published by the Chinese authorities, relative to the suppression of the opium trade, stating that he was then ready to proceed to Canton for the purpose of communicating with the Chinese authorities upon the subject. Since that date he had received no intelligence whatever; but he had put into his hands this morning, by a gentleman connected with India, an extract from a Sincapore paper, containing intelligence up to the 6th of April, the nature of which he had no doubt was known to the hon. Gentleman; but his information was not of a more recent date than the 23rd of March, from Macao.

Motion agreed to.

Railways.] The *Attorney-General* rose to bring forward a motion to revise the standing order of last Session, requiring a deposit of 10*l.* per cent. &c.; but the House was counted out before the hon. and learned Member could submit his motion.

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